

SENATE RULES

adopted by
81st LEGISLATURE
January 14, 2009

Senate Resolution No. 14



Rule 5.08

rerefer bills, to concur in House amendments to Senate bills, to not concur in House amendments to Senate bills, to request the appointment of conference committees, and to adopt conference committee reports.

This concludes the morning call, which the President shall announce to the Senate.

It shall not be in order, during the morning call, to move to take up a bill or resolution out of its regular order, and the presiding officer shall not recognize any Senator for the purpose of making any such motion or making a motion to suspend this rule.

Editorial Note

A motion to set a bill for a special order may be made under Item (5) of this rule, and motions to reconsider, to print or not print bills, and to re-refer bills may properly be made under Item (5) of the morning call.

ORDER OF CONSIDERING BILLS AND RESOLUTIONS

Rule 5.09. At the conclusion of the morning call, the Senate shall proceed to consider business on the President's table, which shall be disposed of in the following order:

- (1) special orders;
- (2) unfinished business;
- (3) Senate Joint Resolutions;
- (4) Senate Resolutions;
- (5) Senate Concurrent Resolutions;
- (6) Senate bills on third reading;
- (7) Senate bills on second reading;

Rule 5.09

- (8) House Joint Resolutions;
- (9) House bills on third reading;
- (10) House bills on second reading;
- (11) House Concurrent Resolutions.

The above order is for Senate bill days, except as modified by any Joint Rules.

Notes of Rulings

The order of business as set forth above may be changed by a two-thirds vote of the Senate (42 S.J. Reg. 1682 (1931)).

A House bill laid before the Senate as an unfinished special order should be disposed of before any other House bill which has been set for a special order is taken up for consideration (46 S.J. Reg. 1853 (1939)).

A motion to suspend the regular order of business is not in order while other business is pending under a rule suspension (46 S.J. Reg. 1886 (1939)).

The bill next on calendar is not to be passed over, due to author's absence (47 S.J. Reg. 397 (1941)).

A motion to suspend the regular order of business is not a debatable motion (61 S.J. Reg. 1101 (1969)).

HOUSE BILL DAYS

Rule 5.10. On calendar Wednesday and calendar Thursday of each week, House Joint Resolutions and House bills on special order and on third and second readings, respectively, and House Concurrent Resolutions shall be taken up and considered until disposed of; provided in case one should be pending at adjournment on

Rule 5.10

Thursday, it shall go over until the succeeding calendar Wednesday as unfinished business.

Notes of Rulings

A House bill, by a two-thirds vote, may be taken up and considered by the Senate on any day of the week (46 S.J. Reg. 635-636 (1939)).

When the Senate adjourns on Thursday of any week with a House bill pending, the bill then pending, whether it is a special order or not, may not be further considered until Wednesday of the next succeeding week unless the Senate by a two-thirds vote agrees to consider it further prior to that day (46 S.J. Reg. 1704 (1939)).

House bills may be considered in Senate under a suspension of the regular order of business on days other than calendar Wednesday and calendar Thursday (48 S.J. Reg. 1051 (1943)).

When a member is discussing a Senate bill on calendar Monday or calendar Tuesday (which are considered Senate bill days in the Senate) and 12:01 o'clock a.m. Wednesday arrives (which is considered a House bill day in the Senate), no further discussion may be had on the Senate bill (61 S.J. Reg. 956 (1969)).

Consideration of a Senate bill taken up out of order on a Senate bill day may not be continued when a House bill day arrives (66 S.J. Reg. 1355 (1979)).

A House Concurrent Resolution taken up in its calendar order on a House bill day may not be further considered when a Senate bill day arrives (71 S.J. 1 C.S. 73 (1989)).

When rules have been suspended to permit consideration of a Senate bill on a House bill day, an additional suspension is

Rule 5.10

not required to permit consideration to continue when a Senate bill day arrives (73 S.J. Reg. 1082 (1993)).

SPECIAL ORDERS

Rule 5.11. (a) Any bill, resolution, or other measure may on any day be made a special order for a future time of the session by an affirmative vote of two-thirds of the members present.

(b) A special order shall be considered at the time for which it is set and considered from day to day until disposed of, unless at the time so fixed there is pending business under a special order, but such pending business may be suspended by a two-thirds vote of all the members present. If a special order is not reached or considered at the time fixed, it shall not lose its place as a special order. All special orders shall be subject to any Joint Rules and Rule 5.10.

(c) Upon the affirmative vote of four-fifths of the members present, a special order may be reset to an earlier time than previously scheduled.

(d) Notwithstanding Subsection (a) of this rule, a bill or resolution relating to voter identification requirements reported favorably from the Committee of the Whole Senate may be set as a special order for a time at least 24 hours after the motion is adopted by a majority of the members of the Senate.

Editorial Notes

A bill once set as a special order does not lose its place on the calendar of special orders if not taken up at the hour for which it is set.

A special order, the hour for the consideration of which has arrived, takes precedence of the unfinished business unless the unfinished business is itself a special order.

Notes of Rulings

A bill being considered as a special order that is laid on the table subject to call is no longer a special order (43 S.J. Reg. 980 (1933)).

Refusal of Senate to set bill as special order for a certain hour does not prevent a motion being made and adopted

Rule 5.11

immediately thereafter to set the bill as a special order for a different specified hour (45 S.J. Reg. 860 (1937)).

The motion to set a bill for a special order is not a proper substitute for a motion to suspend the regular order of business and take up a bill for immediate consideration (50 S.J. Reg. 1055 (1947)).

When the business before the Senate is a special order, the order of business may be suspended in order to consider other business (61 S.J. Reg. 2034 (1969)).

A motion to set a bill for special order may be made when the Senate is not in morning call (67 S.J. Reg. 1430 (1981)).

When the time set for consideration of a special order arrives, the special order displaces pending business (67 S.J. Reg. 1449 (1981)).

A motion to suspend the regular order of business is not in order when the time set for consideration of a special order has arrived (67 S.J. Reg. 1558 (1981)).

REGULAR ORDER OF BUSINESS

Rule 5.12. (a) Bills and resolutions shall be considered on second reading and shall be listed on the daily calendar of bills and resolutions on the President's table for second reading in the order in which the committee reports on them are received by the Senate. Upon the filing of a committee report on a bill or resolution as provided by Rule 11.12, the Secretary of the Senate shall note the date and time the report was filed. The Journal Clerk shall record the order in which the committee report was received in the Senate Journal for the day on which the Senate next convenes.

Rule 5.12

(b) Bills and resolutions shall be considered on third reading in the order in which they were passed on second reading.

Editorial Notes

On the very important matter of the order of considering each of the several bills reported from committees, the rules of the Senate were silent until Senate Rule 5.12 was amended on June 6, 1947, to provide that bills be placed on the calendars of Senate and House bills on the President's table in the order in which the committee reports on the bills are submitted by the respective chairmen from the floor. Bills are listed for consideration on third reading in the order in which they have been passed by the Senate to engrossment or to third reading.

The Senate Agenda is prepared daily and lists the bills in their order of consideration.

Notes of Rulings

A bill may not be considered by the Senate which has not been reported from a committee (44 S.J. Reg. 713 (1935)).

A report of a committee on a bill may be received only, and the question of its adoption is not voted on by the Senate (42 S.J. 1 C.S. 748 (1931)).

SUSPENSION OF THE REGULAR ORDER OF BUSINESS

Rule 5.13. No bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless the regular order is suspended by a vote of two-thirds of the members present.

Notes of Rulings

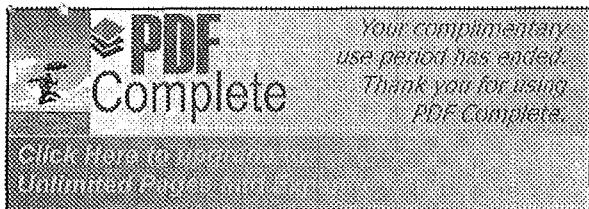
By suspending the regular order of business, the Senate may take up a bill before the day to which it previously was postponed (67 S.J. Reg. 1057 (1981)).

PL1031

9/2/2014

2:13-cv-00193

Blake Green <blake.green@gmail.com>



Voter ID Project Coalition Meeting tonight

Jeremy Brown <Jeremy.Brown@senate.state.tx.us>

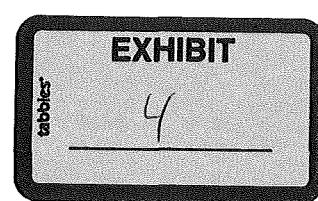
Mon, Oct 7, 2013 at 2:05 PM

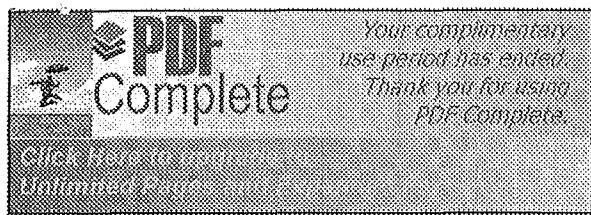
To: "danielle.codova@house.state.tx.us" <danielle.codova@house.state.tx.us>, Myriam Saldivar <Myriam.Saldivar@house.state.tx.us>, Ryan Hogue <Ryan.Hogue@senate.state.tx.us>, "kgrobkr@aol.com" <kgrobkr@aol.com>, "vicepresident@haulyp.org" <vicepresident@haulyp.org>, "rlillieins@sbcglobal.net" <rlillieins@sbcglobal.net>, Ariana Campos <Ariana.Campos@house.state.tx.us>, Tamoria Jones <Tamoria.Jones@house.state.tx.us>, "nkorigaonkar@naacpldf.org" <nkorigaonkar@naacpldf.org>, Mary Seymore <Mary.Seymore@house.state.tx.us>, "retherton@neighborhood-centers.org" <retherton@neighborhood-centers.org>, "tarah.m.taylor@gmail.com" <tarah.m.taylor@gmail.com>, "vote0026@gmail.com" <vote0026@gmail.com>, "ward@anniseparker.com" <ward@anniseparker.com>, Daisy Mitchell <Daisy.Mitchell@house.state.tx.us>, Crystal Ford <Crystal.Ford@house.state.tx.us>, "camille@scottmediallc.com" <camille@scottmediallc.com>, "cfoster@bmilesinsurance.com" <cfoster@bmilesinsurance.com>, "trivera@neighborhood-centers.com" <trivera@neighborhood-centers.com>, "amin.alehashem@gmail.com" <amin.alehashem@gmail.com>, "shawtrek@aol.com" <shawtrek@aol.com>, "joecullar@gmail.com" <joecullar@gmail.com>, "civicengagement@haulyp.org" <civicengagement@haulyp.org>, "rthomas@organizetexas.org" <rthomas@organizetexas.org>, "k.alexisgunn@yahoo.com" <k.alexisgunn@yahoo.com>, "okieward@gmail.com" <okieward@gmail.com>, "blake@youngvoter.org" <blake@youngvoter.org>, "Marianela Acuña Arreaza (marianela@texastable.org)" <marianela@texastable.org>
 Cc: Brandon Dudley <Brandon.Dudley@senate.state.tx.us>, Lara Wendler <Lara.Wendler@senate.state.tx.us>, "Michael.Halpin@mail.house.gov" <Michael.Halpin@mail.house.gov>, "yuroba.harris@mail.house.gov" <yuroba.harris@mail.house.gov>, Mary Ann Carrion <MaryAnn.Carrion@house.state.tx.us>, Rahul Sreenivasan <Rahul.Sreenivasan@house.state.tx.us>, Lesley A Nelson <Lesley.Nelson@house.state.tx.us>, Christopher Walker <Christopher.Walker@house.state.tx.us>, Allison Schmitz <Allison.Schmitz@house.state.tx.us>, Anneliese Vogel <Anneliese.Vogel@house.state.tx.us>, Amy Bruno <Amy.Bruno@house.state.tx.us>, Brete Anderson <Brete.Anderson@house.state.tx.us>, Crystal Ford <Crystal.Ford@house.state.tx.us>, Rob Borja <Rob.Borja@house.state.tx.us>, Karen Loper <Karen.Loper@house.state.tx.us>, Nicole Bates_HC <Nicole.Bates_HC@house.state.tx.us>, Alison Brock <Alison.Brock@house.state.tx.us>, Mechelle Phillips <Mechelle.Phillips@senate.state.tx.us>, Jennifer Brader <Jennifer.Brader@house.state.tx.us>, Greg Wythe <Greg.Wythe@house.state.tx.us>, Milda Mora <Milda.Mora@house.state.tx.us>, Murry Matthews <Murry.Matthews@house.state.tx.us>, Danielle Cordova <Danielle.Cordova@house.state.tx.us>, Lillie Schechter <Lillie.Schechter@senate.state.tx.us>

Hello All:

As a reminder there will be coalition meeting on **Monday, October 7, 2013 at the TOP Headquarters** to update everyone on current outreach efforts and planning going forward.

If you have any questions please don't hesitate to call at the below number. Thank you for your consideration.





Blake Green <blake.green@gmail.com>

October 15th Voter ID Community Workshop Flyer

Tarsha Jackson <tjackson@organizetexas.org>

Fri, Sep 27, 2013 at 1:42 PM

To: Resha Thomas <rthomas@organizetexas.org>, Marianela Acuña Arreaza <marianela@texastable.org>, Jeremy Brown <Jeremy.Brown@senate.state.tx.us>, Amin Alehashem <amin.alehashem@gmail.com>, Blake Green <blake@youngvoter.org>, Tarsha Jackson <tjackson@organizetexas.org>

Greetings All,

Attached you will find an updated flyer for October 15th Voter ID Community Workshop.

Please let me know if you have any questions.

Thanks,

--
Tarsha Jackson
Texas Organizing Project
832-289-2370

Election Law Changes Voter ID Flyer.doc
1015K

**Plaintiff Exhibit
PL1032**

FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARC VEASEY, JANE HAMILTON,)
SERGIO DELEON, FLOYD J. CARRIER,)
ANNA BURNS, MICHAEL MONTEZ,)
PENNY POPE, OSCAR ORTIZ, KODY)
OZIAS, JOHN MELLOR-CRUMLEY, PEGGY)
HERMAN, EVELYN BRICKNER, GORDON)
BENJAMIN, KEN GANDY, LEAGUE OF)
UNITED LATIN AMERICAN CITIZENS)
(LULAC), AND DALLAS COUNTY, TEXAS,)
Plaintiffs,) CIVIL ACTION NO.
v.) 2:13-CV-193 (NGR)
) [Lead case]
RICK PERRY, Governor of Texas; and JOHN)
STEEN, Texas Secretary of State,)
Defendants.)
)
UNITED STATES OF AMERICA,)
Plaintiffs,)
)
TEXAS LEAGUE OF YOUNG VOTERS)
EDUCATION FUND, IMANI CLARK,)
AURICA WASHINGTON, CRYSTAL)
OWENS, AND MICHELLE BESSIAKE,)
Plaintiff-Intervenors,)
)
TEXAS ASSOCIATION OF HISPANIC)
COUNTY JUDGES AND COUNTY)
COMMISSIONERS, HIDALGO COUNTY,)
AND MARIA LONGORIA BENAVIDES,)
Plaintiff-Intervenors,) CIVIL ACTION NO.
v.) 2:13-CV-263 (NGR)
) [Consolidated case]
STATE OF TEXAS, JOHN STEEN, in his)
official capacity as Texas Secretary of State;)
and STEVE McCRAW, in his official capacity)
as Director of the Texas Department of Public)
Safety,)
Defendants.)

TEXAS STATE CONFERENCE OF NAACP)
BRANCHES; and the MEXICAN)
AMERICAN LEGISLATIVE CAUCUS OF)
THE TEXAS HOUSE OF)
REPRESENTATIVES,)
Plaintiffs,)
v.) CIVIL ACTION NO.
JOHN STEEN, in his official capacity as) 2:13-CV-291 (NGR)
Secretary of State of Texas; and STEVE) [Consolidated case]
McCRAW, in his official capacity as Director)
of the Texas Department of Public Safety,)
Defendants.)

BELINDA ORTIZ, LENARD TAYLOR,)
EULALIO MENDEZ JR., LIONEL)
ESTRADA; ESTELA GARCIA ESPINOSA,)
ROXANNE HERNANDEZ, LYDIA LARA,)
MARGARITO MARTINEZ LARA,)
MAXIMINA MARTINEZ LARA, AND)
LA UNION DEL PUEBLO ENTERO, INC.)
Plaintiffs,)
v.)
STATE OF TEXAS; JOHN STEEN, in his) CIVIL ACTION NO.
Official capacity as Texas Secretary of State;) 2:13-CV-348 (NGR)
and STEVE McCRAW, in his official capacity) [Consolidated case]
as Director of the Texas Department of)
Public Safety,)
Defendants.)

**DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS AND
PLAINTIFF-INTERVENORS' SECOND SET OF INTERROGATORIES**

TO: All Plaintiffs and Plaintiff-Intervenors, by and through their attorneys of record.

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the State of

Texas, Rick Perry, John Steen and Steve McCraw, by and through the Attorney General for the State of Texas, serve these Objections and Responses to Plaintiffs and Plaintiff-Intervenors' Second Set of Interrogatories.

GENERAL OBJECTIONS

Defendants object to each interrogatory: (1) insofar as it seeks information not in Defendants' possession, custody, or control; (2) insofar as it seeks information that was prepared for or in anticipation of litigation, constitutes attorney work product, contains attorney-client communications, or is otherwise privileged; (3) insofar as it seeks information which is publicly available or otherwise equally available and/or uniquely or equally available from third parties; (4) insofar as it seeks information that does not specifically refer to the events which are the subject matter of this litigation; and (5) insofar as it seeks information not relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

These responses and objections are made on the basis of information now known to Defendants and are made without waiving any further objections to, or admitting the relevancy or materiality of, any of the information requested. Defendants' investigation, discovery, and preparation for proceedings are continuing and all answers are given without prejudice to Defendants' right to introduce or object to the discovery of any documents, facts, or information discovered after the date hereof. Defendants likewise do not waive the right to object, on any and all grounds, to (1) the evidentiary use of the information contained in these responses

and objections; and (2) discovery requests relating to these objections and responses.

Defendants will provide their responses based on terms as they are commonly understood, and consistent with the Federal Rules of Civil Procedure. Defendants object to and will refrain from extending or modifying any words employed in the requests to comport with expanded definitions or instructions.

INTERROGATORIES

1. For each date between January 1, 2006, and November 1, 2011 on which a person had to provide documentation to prove U.S. citizenship or lawful U.S. presence to obtain a Texas driver's license or DPS personal identification card, identify the documents that were acceptable to prove U.S. citizenship, and identify by specific citation (including date) each statute, rule, other authority, or other writing authorizing the Department to request or require such proof.

RESPONSE: Defendants object to this interrogatory on the ground that it contains at least two separate interrogatories. By asking the Defendants to “identify the documents that were acceptable to prove U.S. citizenship” [hereafter Interrogatory 1a] and then asking Defendants to “identify by specific citation (including date) each statute, rule, other authority, or other writing authorizing the Department to request or require such proof” [hereafter Interrogatory 1b], the interrogatory introduces lines of inquiry that are separate and distinct from the inquiry made by the portion of the inquiry that precedes each. *See Willingham v. Ashcroft*, 226 F.R.D. 57, 59 (D.D.C. 2005). Defendants will, therefore, construe

Interrogatory 1 as two separate interrogatories.

Further, Defendants object to both interrogatories as being vague, not reasonably specific, overly broad and unduly burdensome to the extent they require the Defendants to provide a catalog of literally hundreds of responses accounting “for each date between January 1, 2006 and November 1, 2011 on which a person had to provide documentation to prove U.S. citizenship or lawful U.S. presence to obtain a Texas driver’s license or DPS personal identification card”. These interrogatories seek to narrow the Defendants’ responses without the benefit of specific questions during direct or cross-examination. Defendants would object that a detailed explanation of these issues is more appropriate by deposition. Defendants similarly object to the extent the interrogatories seek information regarding the Texas Administrative Code that is publicly available and/or equally accessible to the Plaintiffs and Plaintiff-Intervenors. Defendants object to the extent these interrogatories seek information that is not relevant to this cause of action and is not likely to lead to the discovery of relevant or admissible evidence.

Defendants object specifically to Interrogatory 1a to the extent it calls on Defendants to express legal opinions about “documentation to prove U.S. citizenship or lawful U.S. presence” requiring legal expertise with respect to “acceptable” proof of citizenship under the Texas Administrative Code.

Defendants object specifically to Interrogatory 1b as being vague, not reasonably specific, overly broad and unduly burdensome insofar as it calls for

Defendants to “identify by specific citation (including date) each . . . rule, other authority, or other writing authorizing the Department to request or require such proof.” Defendants also object to Interrogatory 1b to the extent it requires the Defendants to express legal opinions regarding which “statute, rule, other authority, or other writing authorize[es] the Department to request or require” proof of “U.S. citizenship” requiring legal expertise with respect to the Department of Public Safety’s “authority” under the Texas Administrative Code.

Subject to and without waiving the foregoing objections, the Defendants generally respond as follows:

Interrogatory 1a

“For each date between January 1, 2006, and November 1, 2011 on which a person had to provide documentation to prove U.S. citizenship or lawful U.S. presence to obtain a Texas driver’s license or DPS personal identification card, identify the documents that were acceptable to prove U.S. citizenship . . .”

Defendants respond generally that the Texas Department of Public Safety’s website provides a publicly available list of acceptable documents to prove U.S. citizenship. This list can be found on page one of the Verifying Lawful Presence document at:

<http://www.txdps.state.tx.us/DriverLicense/documents/verifyingLawfulPresence.pdf>

f. Included are the following:

- Birth certificate issued by the appropriate vital statistics agency of a U.S. State, a U.S. territory, or the District of Columbia indicating birth in U.S.
- Department of State Certification of Birth issued to U.S. Citizens born abroad (FS-240, DS-1350, or FS-545) or Consular Report of Birth Abroad
- Certificate of U.S. Citizenship
- Certificate of Naturalization

- U.S. Dept. of Justice – INS U.S. Citizenship Identification Card (I-197 or I-179)
- Northern Mariana Card (I-873)
- U.S. passport book that **does not** indicate on the last page that "THE BEARER IS A UNITED STATES NATIONAL AND NOT A UNITED STATES CITIZEN"
- U.S. passport card
- American Indian Card (form I-872) which indicates "KIC."

While this list covers the majority of applicants who are U.S citizens, the Department of Public Safety has discretion to accept other documents that sufficiently prove an applicant is a U.S. citizen pursuant to Texas Transportation Code § 521.142(e).

Interrogatory 1b

"For each date between January 1, 2006, and November 1, 2011 on which a person had to provide documentation to prove U.S. citizenship or lawful U.S. presence to obtain a Texas driver's license or DPS personal identification card . . . identify by specific citation (including date) each statute, rule, other authority, or other writing authorizing the Department to request or require such proof."

Defendants respond generally that as a result of the federal Motor Voter Act, Texas Transportation Code § 521.142 was amended in 1999 to add subsection (c)(7) to require applicants to indicate whether or not they are a U.S. citizen on an application. The legislative history of this statute is publically available. From October 2008 until December 2011, applicants were required by the previous version of 37 Texas Administrative Code § 15.171 to provide documentation proving their U.S. citizenship. The history of this administrative rule is publically available. Chapter 521 of the Texas Transportation Code was amended in 2011 to add section 521.1425 which requires applicants to provide

documentation proving their U.S. citizenship. The legislative history of these amendments is publically available.

2. As of April 18, 2014 (or any other named date since November 1, 2013), state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are (1) U.S. citizens for whom DPS records reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship; (2) persons whom DPS records list as U.S. citizens but for whom the records do not reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship; (3) persons for whom DPS records do not list a country of citizenship; and (4) persons for whom DPS records list a foreign country as the country of citizenship.

RESPONSE: Defendants object to this interrogatory on the ground that it contains at least four separate interrogatories. By asking the Defendants to “state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are (1) U.S. citizens for whom DPS records reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship” [hereafter Interrogatory 2a], asking Defendants to “state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are . . . (2) persons whom DPS records list as U.S. citizens but for whom the records do not reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship” [hereafter Interrogatory 2b], asking

Defendants to “state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are . . . (3) persons for whom DPS records do not list a country of citizenship” [hereafter interrogatory 2c], and asking Defendants to “state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are . . . (4) persons for whom DPS records list a foreign country as the country of citizenship” [hereafter interrogatory 2d], the interrogatory introduced lines of inquiry that are separate and distinct from the inquiry made by the portion of the inquiry that precedes each. See *Willingham v. Ashcroft*, 226 F.R.D. 57, 59 (D.D.C. 2005). Defendants will, therefore, construe Interrogatory 2 as four separate interrogatories.

Further, Defendants object to all four interrogatories as being vague, not reasonably specific, overly broad and unduly burdensome to the extent they attempt to create an ongoing duty to provide responses as of “any other named date since November 1, 2013.” Defendants further object to the interrogatories as seeking information that is neither relevant to this cause of action nor likely to lead to the discovery of relevant or admissible evidence.

Subject to and without waiving the foregoing objections, the Defendants generally respond as follows:

Interrogatory 2a

“As of April 18, 2014 (or any other named date since November 1, 2013), state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are (1) U.S. citizens for whom DPS records reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship.”

Defendants respond that as of May 18, 2014, 4,134,370 is the number of persons with an unexpired license, occupational license and/or identification card who are identified as US citizens in the DLS database and who have provided DPS with proof of US citizenship with one of the following documents: ‘Certificate of Citizenship’, ‘Naturalization Certificate’, ‘US Passport’, ‘US Citizen ID Card’, ‘American Indian Card’, ‘US Passport Card’, ‘US Birth Certificate’, ‘US Department of State Certification of Birth’.

Interrogatory 2b

“As of April 18, 2014 (or any other named date since November 1, 2013), state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are . . . (2) persons whom DPS records list as U.S. citizens but for whom the records do not reflect that they have satisfied the current requirements for documentary proof of U.S. citizenship.”

Defendants respond that as of May 18, 2014, 14,039,884 is the number of persons with an unexpired license, occupational license and/or identification card who are identified as US citizens in the DLS database and who have provided DPS with proof of identity that is NOT one of the following documents: ‘Certificate of Citizenship’, ‘Naturalization Certificate’, ‘US Passport’, ‘US Citizen ID Card’, ‘American Indian Card’, ‘US Passport Card’, ‘US Birth Certificate’, or ‘US Department of State Certification of Birth’.

Interrogatory 2c

“As of April 18, 2014 (or any other named date since November 1, 2013), state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are . . . (3) persons for whom DPS records do not list a country of citizenship.”

Defendants respond that as of May 18, 2014, 211,167 is the number

persons with an unexpired license, occupational license and/or identification card who do not have citizenship identified in the DLS database.

Interrogatory 2d

“As of April 18, 2014 (or any other named date since November 1, 2013), state the number of holders of non-expired Texas driver licenses or DPS personal identification cards who are . . . (4) persons for whom DPS records list a foreign country as the country of citizenship.”

Defendants respond that as of May 18, 2014, 2,120,288 is the number of persons with an unexpired license, occupational license and/or identification card who are identified as Non-US citizens in the DLS database.

Dated: May 22, 2014

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

JONATHAN F. MITCHELL
Solicitor General

J. REED CLAY, JR.
Special Assistant and Senior Counsel
to the Attorney General
Southern District of Texas No. 1160600

/s/ John B. Scott
JOHN B. SCOTT
Deputy Attorney General for Civil Litigation
Southern District of Texas No. 10418
Texas State Bar No. 17901500
ATTORNEY-IN-CHARGE

G. DAVID WHITLEY
Assistant Deputy Attorney General
Southern District of Texas No. 2080496

STEPHEN RONALD KEISTER
Assistant Attorney General
Southern District of Texas No. 18580

JENNIFER MARIE ROSCETTI
Assistant Attorney General
Southern District of Texas No. 224780

209 West 14th Street
P.O. Box 12548
Austin, Texas 70711-2548
(512) 475-0131

DONNELL, ABERNETHY & KIESCHNICK
Ben A. Donnell
555 N. Carancahua, Suite 1770
Corpus Christi, Texas 78401-0853
Southern District of Texas No. 5689

COUNSEL FOR THE STATE OF TEXAS, RICK
PERRY, JOHN STEEN, and STEVE MCCRAW

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2014, a true and correct copy of the foregoing document is being served via the Court's ECF system to all counsel of record.

/s/ John B. Scott
JOHN B. SCOTT
Deputy Attorney General for Civil Litigation

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MARC VEASEY, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 2:13-CV-00193
	§	
RICK PERRY, <i>et al</i> ,	§	
	§	
Defendants.	§	

**DEFENDANTS' FIRST AMENDED OBJECTIONS AND RESPONSES TO
PLAINTIFFS AND PLAINTIFF-INTERVENORS' THIRD SET OF
INTERROGATORIES**

TO: All Plaintiffs and Plaintiff-Intervenors, by and through their attorneys of record.

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the State of Texas, Rick Perry, Nandita Berry, and Steve McCraw, by and through the Attorney General for the State of Texas, serve these First Amended Objections and Responses to Plaintiffs and Plaintiff-Intervenors' Third Set of Interrogatories.

GENERAL OBJECTIONS

Defendants object to each interrogatory: (1) insofar as it seeks information not in Defendants' possession, custody, or control; (2) insofar as it seeks information that was prepared for or in anticipation of litigation, constitutes attorney work product, contains attorney-client communications, or is otherwise privileged; (3) insofar as it seeks information which is publicly available or otherwise equally available and/or uniquely or equally available from third parties; (4) insofar as it seeks information that does not specifically refer to the events which are the subject matter of this

litigation; and (5) insofar as it seeks information not relevant to the subject matter of this litigation nor reasonably calculated to lead to the discovery of admissible evidence.

These responses and objections are made on the basis of information now known to Defendants and are made without waiving any further objections to, or admitting the relevancy or materiality of, any of the information requested. Defendants' investigation, discovery, and preparation for proceedings are continuing and all answers are given without prejudice to Defendants' right to introduce or object to the discovery of any documents, facts, or information discovered after the date hereof. Defendants likewise do not waive the right to object, on any and all grounds, to (1) the evidentiary use of the information contained in these responses and objections; and (2) discovery requests relating to these objections and responses.

Defendants will provide their responses based on terms as they are commonly understood, and consistent with the Federal Rules of Civil Procedure. Defendants object to and will refrain from extending or modifying any words employed in the requests to comport with expanded definitions or instructions.

INTERROGATORIES

- 1. Provide the total number of individuals whose Texas driver's licenses were confiscated at any time between May 1, 2013 and April 30, 2014 as a result of a license suspension, revocation, or cancellation, breaking that total down by race and ethnicity. If these numbers are not available for the specified one-year time period, provide these numbers**

for the most recent one-year time period for which such numbers are available and state the dates for which those numbers are provided.

NOTE: Plaintiffs on clarified that they seek information on the number of individuals who had their licenses confiscated, for instance, under programs such as the ALR program (see 524.011 of the Transportation Code) and suggest that information like this is available and was provided to the legislature in 2011?

RESPONSE: Defendants respond to this interrogatory as amended by Plaintiffs. Defendants object to this interrogatory pursuant to the General Objections above. Subject to and without waiving the foregoing objections, Defendants generally respond as follows: Defendants have produced to Plaintiffs the database dictionary for the driver's license database maintained by the Department of Public Safety ("DPS"). The database dictionary references a data field titled "Licenses Confiscated," but that field has not been implemented into the driver's license database. Thus, while DPS does, on occasion, confiscate driver's licenses as provided under Texas law (*see, e.g.*, Tex. Transp. Code § 524.011(b)(2)), the DPS driver's license database contains no information or corresponding data field indicating specifically the number of individuals who have had their driver's license confiscated.

2. Provide the total number of people, broken down by race and ethnicity, who possessed an unexpired ID as of October 1, 2010, for each of the forms of DPS-issued, SB 14- approved ID, excluding the election

identification certificate (i.e., for Texas driver's licenses, personal IDs, and concealed handgun permits). If these numbers are not available for October 1, 2010, provide these numbers for the earliest date after October 1, 2010 for which such numbers are available and state the date for which those numbers are provided.

RESPONSE: Defendants object this interrogatory pursuant to the General Objections above. Subject to and without waiving the foregoing objections, Defendants generally respond as follows: DPS ran a query against the concealed handgun license ("CHL") database to ascertain the total number of people, broken down by race and ethnicity, who possessed an unexpired CHL. The numbers were not available for October 1, 2010. The following numbers represent the active CHL holders as of January 15, 2014, and the numbers are broken down by the race information maintained in the CHL database as self-reported by applicants. The CHL data does not include ethnicity or a marker to determine Spanish surnames.

American Indian or Alaskan Native:	2,645
Asian or Pacific Islander:	14,382
Black:	45,750
Multi-Racial:	7,346
Other/Unknown:	25,398
<u>White:</u>	<u>617,098</u>
Total:	712,619

A query was run against the driver license system ("DLS") database to ascertain the total number of people, broken down by race and ethnicity, who possessed an unexpired driver license or personal identification card. The numbers were not available for October 1, 2010. As of June 13, 2014, the number of people,

broken down by race and ethnicity, who possess an unexpired Texas ID, Texas Driver License, or Texas Occupational Driver License, according to records stored in the DPS Driver License database, is as follows:

White:	13,719,182
Black:	2,560,675
Asian/Pacific Islander:	973,324
Hispanic:	2,570,095
American Indian/Alaskan Native:	41,502
Other:	<u>676,031</u>
Total:	20,540,809

Dated: August 1, 2014

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

JONATHAN F. MITCHELL
Solicitor General

J. REED CLAY, JR.
Special Assistant and Senior Counsel
to the Attorney General
Southern District of Texas No. 1160600

/s/ John B. Scott
JOHN B. SCOTT
Deputy Attorney General for Civil Litigation
Southern District of Texas No. 10418
Texas State Bar No. 17901500
ATTORNEY-IN-CHARGE

G. DAVID WHITLEY
Assistant Deputy Attorney General
Southern District of Texas No. 2080496

STEPHEN RONALD KEISTER
Assistant Attorney General
Southern District of Texas No. 18580

JENNIFER MARIE ROSCETTI
Assistant Attorney General
Southern District of Texas No. 224780

LINDSEY ELIZABETH WOLF
Assistant Attorney General
Southern District of Texas No. 2292940

209 West 14th Street
P.O. Box 12548
Austin, Texas 70711-2548
(512) 475-0131

BEN A. DONNELL
Donnell, Abernethy & Kieschnick
555 N. Carancahua, Suite 1770
Corpus Christi, Texas 78401-0853
Southern District of Texas No. 5689
COUNSEL FOR THE STATE OF TEXAS,
RICK PERRY, JOHN STEEN, and STEVE
MCCRAW

CERTIFICATE OF SERVICE

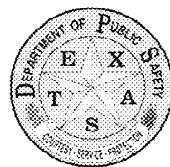
I hereby certify that on August 1, 2014, a true and correct copy of the foregoing document was served via electronic mail to all counsel of record.

/s/ John B. Scott
JOHN B. SCOTT

What Will It Take to Fix Driver License?

Submitted by the Texas Department of Public Safety

February 28, 2011



TX_00245744

Defendant's Exhibit #
226

DE-001459

USA_00009232

Executive Summary

Getting a driver license in Texas should not have to be a painful experience. The typical driver license customer complaint is about uncomfortable, long wait times before they get to the counter to be helped. Long wait times and crowded facilities developed as the State's population grew and the length of time required to process increasingly-complex driver license transactions expanded over the years.

The Department of Public Safety (DPS) has begun making changes which have yielded reductions in customer wait times. These changes alone, however, are not enough to achieve the desired service quality and driver license document security. There are specific legislative changes recommended to reduce driver license office visits and increase the security of DLs and IDs. Other changes recommended to improve the driver license process include leveraging technology to improve service quality and operational efficiency, and investing in additional employees and facilities to catch up with the rapid population increase over the previous decades.

The recommendation is to increase the number of employees and the capacity of our facilities to match the population growth over the past decade while maintaining all existing driver license offices. The projected state cost for this is \$63 million per biennium.

This recommendation includes: 361 FTEs for Driver License, Contact Center, and Indirect Support Staff; appropriate compensation for job duty responsibilities; 20 FTEs to augment staff during summer months; six new mega centers (mega facilities have 25 or more employees) [one in the Metroplex, three in Harris County, and one each in San Antonio and Austin]; furniture, fixtures, and equipment for the new mega centers; new technology initiatives to reduce customer wait times; and new equipment to re-open 96 mobile offices.

Texans currently pay \$4 per year for their driver license. This fee is low in comparison to most other states. Thirty-five states have driver license fees higher than Texas. Some examples of states: Massachusetts charges \$15 per year, Florida charges \$8, Illinois charges \$7.50, New York charges \$6.50, and California charges \$6.20 per year.

Background

The Texas State Legislature requested that DPS make specific recommendations to enhance the services provided by its Driver License Division to meet current and future needs of the State. In offering these recommendations, the Department considered the dynamically changing demographics, changes to legislation requiring additional services from the Division, and the increased need for secure driver license and identification cards.

In addition to supporting the law enforcement environment, citizens now expect world-class customer service from the Driver License Division while employees need a pay classification structure that reflects the increasing skill requirements of the job and a support structure that provides the tools and training to be successful in their jobs. Elected officials expect financial transparency and accountability for performance. Other federal, state, and local law enforcement agencies expect collaboration, information sharing, professionalism, and leadership.

According to the Deloitte *Management and Organizational Structure Study* dated October 28, 2008, DPS's driver license function is one of the most customer-intensive functions of any Texas state agency. Unfortunately, visiting some DPS Driver License offices can be an unpleasant experience. Lines are long, technology is underutilized, and the facilities themselves are old, overcrowded, and poorly maintained.

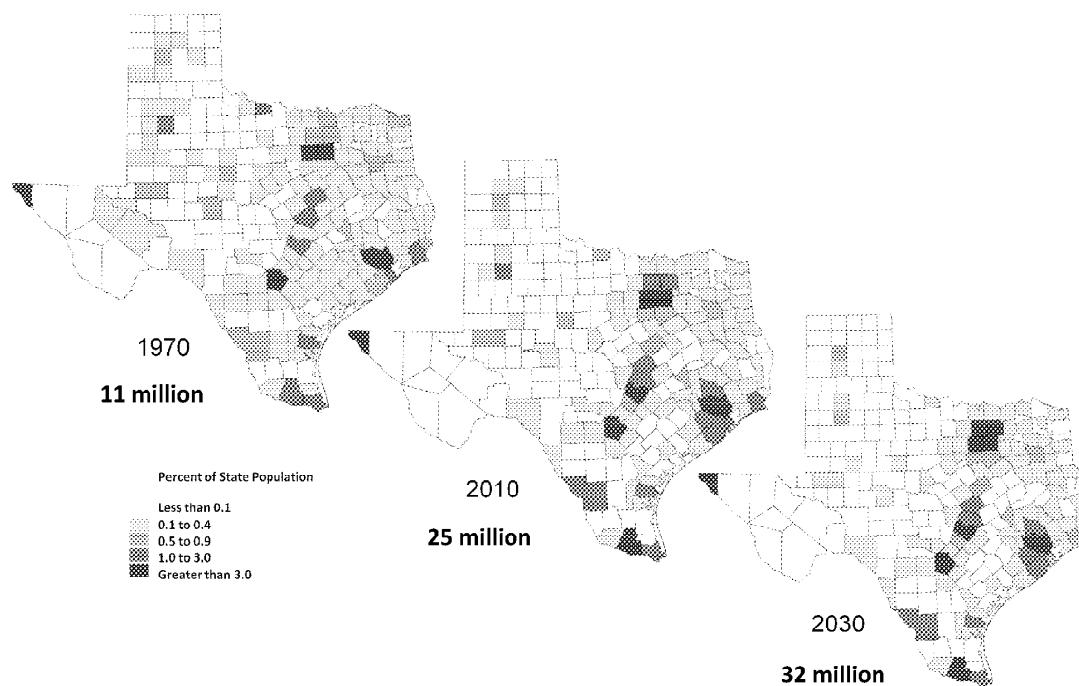
To provide word class services, DPS will need changes in legislation to reduce demand and increase driver license security, as well as additional investments in Technology, People, and Facilities.

Changing Demographics

Texas has one of the largest and most rapidly growing economies in the United States. In 2006, Texas was home to six of the top 50 companies on the Fortune 500 List. Texas' economy is the 15th largest in the world, based on nominal GDP figures.

Texas has the second largest workforce in the United States, with almost 11 million civilian workers. This robust economy, plus the lack of personal income tax and the largely undervalued real estate throughout Texas, has led to significant population growth.

Texas' population is projected to grow by seven million people over the next 20 years, a 28 percent increase, or roughly 1.24 percent per year compounded. Migration to the large metropolitan areas is expected, creating mega MSAs (Metropolitan Statistical Areas) as shown in the dark green areas on the population maps below.



Source: Texas State Data Center

Defining the Problem

Customer Service

There are two primary factors that have contributed to the decline in customer service quality in driver license offices over the past 20 years:

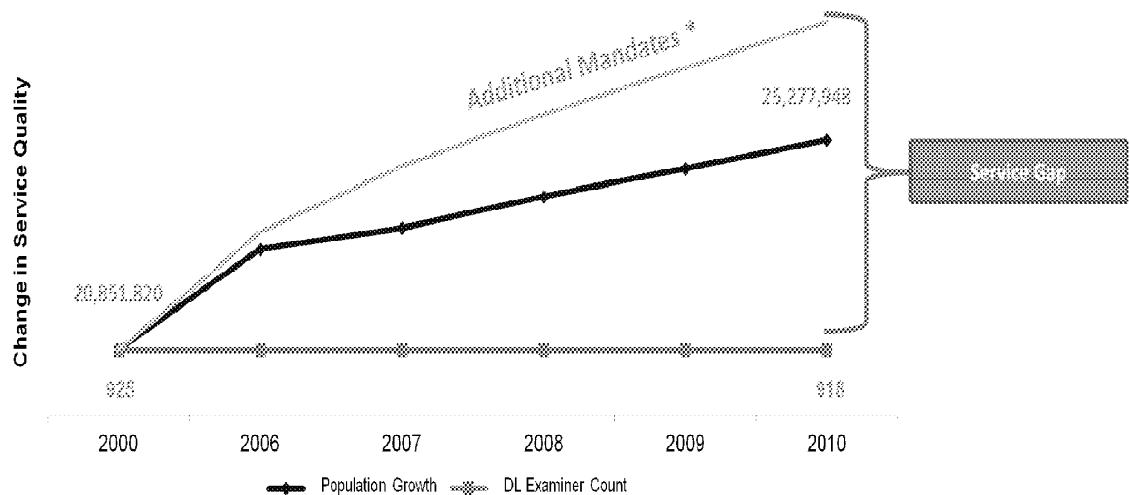
1. An increase in the number of transactions while the number of employees and the capacity of facilities have remained constant
2. An increase in the length of driver license and ID transactions due to the need to increase document security and perform non-driver license related functions

The population in Texas has grown almost 21 percent over the last 10 years while the number of driver license examiners has remained constant. Over 20,000 driver license-related customer calls are received daily, and over 85 percent of those calls go unanswered each day.

Exacerbating the employee shortfall are the increase in non-driver license responsibilities (e.g., organ donor, selective service, and voter registration) and the complexity of services that extend transaction time. (See Appendix 1 for a complete list of transaction-extending items.)

Driver license offices today provide a myriad of services to other government agencies, and the demand for data and ancillary services is increasing regularly. While this degrades driver license service quality somewhat, it is less expensive to provide incremental resources to Driver License than to set up redundant systems.

Driver License Service Quality



***Additional mandates include state and federal requirements placed upon Driver License Division that impact transaction times and ultimately wait times. Examples of non-driver license requirements include organ donation, selective service, and voter registration. Secure credentialing requirements such as birth certificates and lawful presence documents also extend transaction times.**

Just as the number of driver license employees has remained constant, the quality and capacity of facilities has not kept pace with the growing population. The vast majority of driver license facilities were built in the 1960s, '70s, and early '80s. Customers complain about the condition, size, and appearance of many offices. Last summer, three customers fainted in one of our offices in the same week because the air conditioning was failing. Wait times were extended, and there was insufficient room to provide chairs in the waiting area.

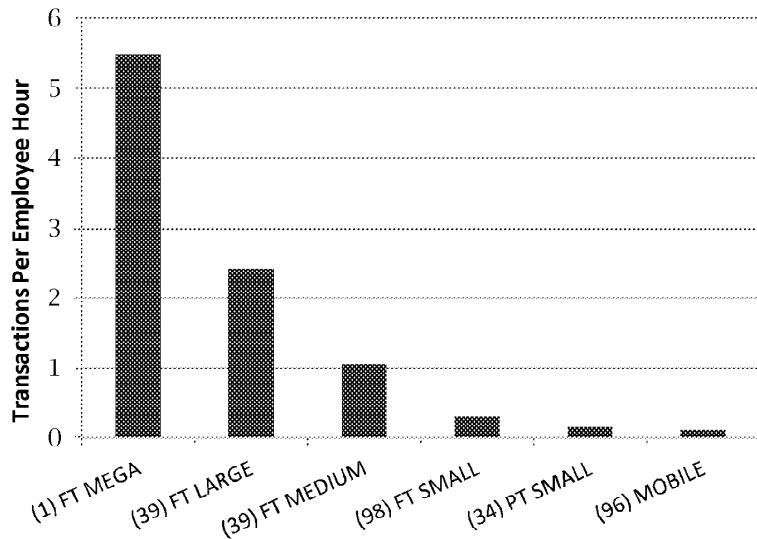
Population growth has occurred mostly in the five large metropolitan areas. This has resulted in the Division's inability to provide consistent high quality services to all of its customers. In 2010, 26 percent of the offices completed 85 percent of transactions. This means that 80 offices processed nearly 5 million transactions combined, while the remaining 227 offices completed a total of only one million transactions. Over half (53%) of the 307 driver license offices have only one employee.

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According to preliminary data from the business intelligence analysis being conducted by Texas State University, offices with only one employee operate less productively than larger offices. For example, a mega office (25+ employees) processes 18 times more transactions per employee than a small office (defined as three or fewer employees). A mega office processes 50 times more transactions per employee than a one person mobile office¹. The efficiency of driver license operations is reduced by having so many small, less productive offices. This does not mean that employees in small offices have a different work ethic than those in larger offices, but the demand in the small offices is significantly less than in the metropolitan areas. The average customer volume in small offices is fewer than three transactions per hour, whereas Mega offices complete over 50 transactions per hour.

¹ Mobile offices require a Driver License employee to drive their personal vehicle to another town, transporting and setting up equipment each day the office is open. The equipment used is outdated and not replaceable. As the equipment fails, we have no option but to temporarily close the office because months of testing new equipment have been unsuccessful. To date, 79 of the 96 mobile offices have been closed.

Office Size Productivity Comparison (Transactions Per Office Per Employee Per Hour)



Efforts to improve efficiency and reduce the number of people who visit driver license offices will help improve service quality for those customers who must complete their transactions in person. However, these efforts cannot offset the State's population increase or account for the growing number of more complex transactions. For example, the Division provides online services for driver license and ID renewal. Last year, approximately 450,000 of the 800,000 eligible renewals were done online, alleviating some of the in-office workload. Persuading another 200,000-250,000 applicants to renew online will not close the service gap.

Safety and Security

A driver license is no longer just a license to operate a vehicle. Today, a driver license or ID is essentially the gateway to legitimacy. These are legal documents used by government agencies, corporations, and financial institutions as the trusted validation of a person's identity. Because of this, there is considerable fraud risk. Criminals have offered as much as \$10,000 for a Texas driver license. Fraudulent driver licenses are sought because multiple driver licenses can be used to defraud other government programs.

It is imperative to protect the integrity of these documents. Driver license examiners are our front-line protection. They examine documents and enforce secure credentialing statutory requirements. Technology, providing access to federal and state databases, can also be used to verify document legitimacy.

Employee Environment

With very rare exceptions, driver license employees are trustworthy and dedicated to providing quality customer service under challenging circumstances: frustrated customers, long lines, long days, and low pay. They are committed to their duties to protect the safety and security of their fellow Texans. They work hard to understand and administer complex statutory requirements.

Over the years, the responsibilities placed on driver license employees have increased while salaries have remained constant. Typing speed is no longer the most important driver license examiner skill. DPS needs to be able to attract and retain employees with a valuable mix of customer service and critical thinking skills, as well as employees who have good interpersonal skills, can understand complex statutory requirements, and can identify fraudulent documents.

According to a driver license employee survey conducted in January 2011, 25 percent of respondents reported they work a second job because they are unable to support themselves on their \$12 per hour salary. In some metropolitan areas, it is possible to get a job at a fast food restaurant with fewer responsibilities but higher pay and benefits.

Paying employees a salary commensurate with their responsibilities would allow DPS to recruit employees with more developed skills. Additionally, higher pay makes employees less vulnerable to bribes. Maintaining a strong employee base will enable Driver License to fulfill its mission of providing good quality service and protecting the safety and security of Texas.

Driver License Transaction Volumes and Fees

Most Texans currently pay \$4 per year for their driver license. This fee is low in comparison to other states; thirty-five states have driver license fees higher than Texas. The highest per year fee is in Massachusetts at \$15 per year. Arizona charges the lowest annual fee of \$0.51 per year. Other comparable states charge: Florida - \$8, Illinois - \$7.50, New York - \$6.50, and California - \$6.20. (See Appendix 3 for a complete list of other states' driver license fees.)

In total, the Driver License Division generated approximately \$330 million in revenue in FY10. Approximately 28% (\$94 million) of these fees were collected via driver license, ID certificate, and Parent Taught Driver Education fees. Approximately 54% of the Driver License Division fees were collected via driver Enforcement and Compliance fees, including driver responsibility surcharges. Driver Record Sales generated 17% of the FY10 Driver License Division fees. (See Appendix 4 for Driver License Division Generated Revenue for FY09 and FY10.)

Driver License Division Fees - FY10

Driver License Fees	Collected 2010	% FY10	Legislative Appropriation
Driver Responsibility Program - Trauma Fund	\$ 77,075,001		Trauma Fund
Driver Responsibility Program - General Revenue	\$ 77,075,001		GR Unappropriated
Driver Responsibility Program - Vendor Fees	\$ 13,154,340		DPS
Driver License Reinstatement - Administrative License Revocation	\$ 6,235,092		Texas Mobility Fund
Motor Vehicle Safety Responsibility Fees (Reinstatement Fees)	\$ 3,745,315		GR Unappropriated
Reinstatement Fees	\$ 1,759,972		Texas Mobility Fund
Driver Responsibility Program - Driver License Division	\$ 1,555,959		DPS
Ignition Interlock DL Fees	\$ 35,436		Texas Mobility Fund
Subtotal	\$ 180,600,679	54%	Enforcement/Compliance
Driver License Fees	\$ 85,421,363		Texas Mobility Fund
ID Certificates	\$ 6,005,865		Texas Mobility Fund
Parent Taught Driver Education	\$ 1,749,442		DPS
Motorcycle License Fees	\$ 997,776		Texas Mobility Fund
Occupational Driver License Fees	\$ 196,280		Texas Mobility Fund
Subtotal	\$ 94,370,725	28%	DL/ID fees
Driver Record and Interactive Record Fees	\$ 55,956,414		Texas Mobility Fund
Sale of License Information - (Weekly Update)	\$ 163,329		Texas Mobility Fund
Sale of License Information - (Complete List)	\$ 18,000		Texas Mobility Fund
Subtotal	\$ 56,137,743	17%	Driver Record Sales
Voluntary Driver License Fee - Donor Education Awareness and Registry	\$ 280,790		DHHS
Voluntary Driver License Fee	\$ 293,448		GR Unappropriated
Helmet Sticker Fee	\$ -		Motorcycle Education Fund
National Driver Registry	\$ 2,669		DPS
Subtotal	\$ 576,907	0%	Miscellaneous
Grand Total	\$ 331,686,053	100%	

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Recommended Changes

The Driver License Division has initiated an aggressive FY11 Driver License Improvement Plan designed to improve customer service, enhance the safety and security of Texans, and improve the driver license employee environment. (See Appendix 2 for the Improvement Plan.) Wait time reductions have already occurred in some offices due to the installation of queuing systems; however, without other changes, the desired customer service quality and document security cannot be achieved. Specific changes proposed include no-cost legislative changes, as well as, additional funding to improve technical capacity, hire additional employees, and acquire facilities to accommodate the growing population.

Legislative

Legislative changes can be made to optimize the operational efficiency within the Driver License Division. There are several legislative changes that would reduce the volume of customers required to visit a driver license office:

- Modify the fee structure to encourage customers to complete transactions online (Transportation Code §§ 521.421, 521.422, and 521.424)
- Extend driver license and ID expiration from six years to eight years and increase fees accordingly (Transportation Code § 521.271)
- Allow the DPS Director to waive road tests for qualified providers (Transportation Code § 521.165)

There are also a number of legislative changes that would enhance the security and integrity of driver licenses and ID cards and ensure compliance with Federal requirements:

- Require lawful presence for driver license or ID issuance (this is currently addressed by administrative rule but is subject to a court challenge which potentially could repeal the administrative rule)(Transportation Code § 521.141)
- Issue limited-term driver license/ID for non-immigrants (Transportation Code §§ 521.101, 521.271, and 521.2711)
- Repeal provision indicating that an ID card issued to an applicant over 60 does not expire (Transportation Code § 521.101)
- Require Social Security number for driver license/ID issuance (Transportation Code § 521.142)
- Expand authority to disclose SSN for purposes of verification with other driver license/ID issuing agencies (Transportation Code § 521.044)
- Only allow one driver license or ID card that is compliant with federal security standards per person (Transportation Code § 521.182)
- Provide authority to place an indicator on the face of the driver license/ID for purposes of identifying cards that are compliant and non-compliant with federal security standards (Transportation Code § 521.121)

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Technology

DPS's vision is to leverage technology to improve the quality and speed of the services provided online and at our offices. To do this, we must expand our online capabilities and enhance our means to protect and utilize driver license data for use by law enforcement and other governmental entities in as efficient a manner as possible.

With the right technology the Division can provide customized lists of required documentation, offer online appointment scheduling, and electronically collect and check documents in advance. After visiting an office, customers could check the status of their cards online and access help through online chats, phone calls, or email. This would save time and money for both customers and DPS on every transaction.

With additional funding, the Driver License Division will be able to leverage new technology for driver licenses, our customers, and to help other governmental entities.

People and Facilities

As stated previously, the driver license facilities have not been updated nor the number of employees increased to match the ever-increasing population or transaction complexity. Meeting customer expectations and providing their desired level of customer service will require additional employees and upgraded or new facilities.

DPS, in conjunction with Texas State University, is conducting a systematic evaluation of current driver license operations to improve service within current resource constraints. Texas State is analyzing existing staffing levels and office locations based on population density and projected population growth. This information will be used to develop strategies to achieve the highest, most-consistent level of service across the state.

There are a number of different ways to approach the mismatch between population and employee/facility resources. The least costly approach that maximizes operational efficiency is to realign driver license employees and facilities to match current population distribution. However, this approach may not address requirements to provide locally-desired services. Two options for how to approach the people and facilities needs of Driver License are addressed below.

Whichever option is selected, it is important to note that these FTE increases will only allow us to serve the State's current population at an acceptable level of service. Additional FTEs will be needed over the years as the State's population continues to grow.

Recommendation

Increase the number of employees and the capacity of our facilities to match population growth while maintaining all existing driver license offices.

What's Included:

- 361 full-time Driver License, Contact Center, and Indirect Support staff
- Appropriate compensation for job duty responsibilities
- 19.5 FTEs (which equates to 78 employees) to augment staff during summer months
- Six new mega centers (one in the Metroplex, three in Harris County, and one each in San Antonio and Austin)
- Furniture and equipment for the new mega centers
- New technology initiatives to reduce customer wait times
- New equipment to re-open 96 mobile offices

Advantages:

- Improved service quality
- Supports local communities by maintaining driver license presence and providing customer convenience

Disadvantages:

- Higher cost to the State

Projected State Costs for the Biennium:

<u>Description</u>	<u>Amounts</u>		
	<u>FY12</u>	<u>FY13</u>	<u>Biennial Cost</u>
Annual Salary	9,371,433	19,923,873	29,295,306
Longevity	80,496	274,464	354,960
Professional Fees	3,000,000	3,000,000	6,000,000
Consumables	143,040	502,860	645,900
Utilities	1,736,349	1,880,439	3,616,788
Rent - Building*	40,422	3,237,179	3,277,601
Other Operating	8,036,317	897,000	8,933,317
Capital Expenditures	1,413,252	-	1,413,252
Subtotal Excl Emp Benefits	23,821,309	29,715,814	53,537,123
Employee Benefits	2,633,287	5,627,188	8,260,474
5% Contingency(Non Employee)	718,469	475,874	1,194,343
Totals**	27,173,065	35,818,876	62,991,940

*Construction costs as an alternative to leasing are estimated to be \$47 million.

**The restoration of \$4,772,388 for Driver License card stock is also needed to fund license issuance costs.

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County Opt-In Alternative

Realign office locations and minimally increase employees to maximize service quality and efficiency and allow counties the choice to fund local services

What's Included:

- 285 Full time Driver License, Contact Center, and Indirect Support Staff*
- Appropriate compensation for job duty responsibilities
- 19.5 FTEs (which equates to 78 employees) to augment staff during summer months
- Six new mega centers (one in the Metroplex, three in Harris County, and one each in San Antonio and Austin)
- Furniture and equipment for the new mega centers
- New technology initiatives to reduce customer wait times

Advantages:

- Lowest cost option to the state, minimizing resource expenditures for facilities and FTE increases
- Improves service quality
- Aligns existing resources with customer demand
- Allows counties to opt-in for local service

Disadvantages:

- Some customers may experience longer drive times to conduct driver license transactions which typically occurs once every six years
- Some DPS employees would be required to re-locate

Projected State Costs for the Biennium:

<u>Description</u>	<u>Amounts</u>		
	<u>FY12</u>	<u>FY13</u>	<u>Biennial Cost</u>
Annual Salary	8,600,969	16,860,242	25,461,211
Longevity	66,672	219,384	286,056
Professional Fees	3,000,000	3,000,000	6,000,000
Consumables	122,880	422,535	545,415
Utilities	584,349	728,439	1,312,788
Rent - Building**	40,422	3,237,179	3,277,601
Other Operating	8,036,317	897,000	8,933,317
Capital Expenditures	558,852	-	558,852
 Subtotal Excl Emp Benefits	21,010,461	25,364,778	46,375,239
Employee Benefits	2,414,787	4,758,329	7,173,116
5% Contingency(Non Employee)	617,141	414,258	1,031,399
Totals***	24,042,389	30,537,365	54,579,754

Cost Sharing with Participating Counties:

Many mobile driver license offices have been temporarily closed due to equipment failure. For those currently without a driver license presence that previously had a mobile office, the Driver License Division would continue to pay the salary, mileage, and per diem costs. In return, the county could sign a Memorandum of Understanding (MOU) and provide a lockable, exclusive use, ADA-compliant facility with bathroom access, and pay for the equipment costs estimated at \$20,900 per location for the first year; approximately \$12,000 per year thereafter.

If a county wanted to open a new mobile office location previously un-served by the Division, they would be required to pay the above costs plus the personnel-related costs for each day they desired to have their new local office open for business. The total estimated cost for service two times per month is approximately \$60,000 per year.

*The remaining FTEs to fully staff the new Mega Centers will be transferred from other driver license offices within the State.

**Construction costs as an alternative to leasing are estimated to be \$47 million.

***The restoration of \$4,772,388 for Driver License card stock is also needed to fund license issuance costs.

Conclusion

The Driver License Division has undergone a transformation to become a customer driven organization. We want to serve our customers as efficiently as possible, making it easy and painless to complete their required driver license and ID transactions.

Driver License has offered recommendations on two courses of action. The first recommendation allows Driver License to build efficiencies into its business while maintaining the small office locations desired by most counties. The alternate recommendation builds additional efficiencies into the business and allows the Division to use the State's resources more cost effectively.

Appendix 1 - Additional Requirements that Impact Driver License Service Quality

Implementation Date	Additional Requirements
January 1992	Voter Registration was implemented.
January 1995	Donor information collection began.
February 3, 1997	Mandatory collection of SSN on original, renewal, or duplicate driver license began.
April 1, 1997	Parent-Taught Driver Education began requiring the collection of documentation demonstrating successful completion prior to the issuance of a driver license to persons under 18.
January 2, 2002	Implementation of the Graduated Driver License Program to restricted levels of driving permissions for persons under 18.
January 22, 2002	Original and renewal registration of sex offenders on an annual basis began.
January 22, 2002	Collection of a voluntary donation of \$1 for anatomical gift education program began.
January 22, 2002	Collection of citizenship status for the issuance of a driver license and ID card began.
December 2002	Registration with the Selective Service System began.
May 31, 2005	Hazardous Materials Endorsement (HME) application procedures went into effect requiring background checks for CDL applicants requesting an HME.
March 6, 2006	Fee exemption for disabled veterans became effective.
September 1, 2006	Voluntary organ donor registry collection to provide for a statement of gift on a driver license/ID became available.
September 1, 2009	Waivers of driving tests eliminated for persons under 18 years of age.

TX_00245760

Appendix 2 – Driver License Division FY11 Improvement Plan

Focus Areas:

Customer Service

Safety/
Security

Employee
Environment

Goals:	CS1 – Provide customers easy-to-access, easy-to-understand information	SS1 – Use internal controls to reduce illegal activity	EE1 – Hire good people and treat them right
	CS2 – Minimize process time and provide a customer friendly environment	SS2 – Work to improve driver safety	EE2 – Provide training and tools to enable employees to succeed
	CS3 – Provide stakeholders useful/interesting information about DL operations		

FY 2011 DL Improvement Project List

Project	Customer Service	Safety-Security	Employee Environment
Business Intelligence Analysis	CS2		✓
Division Reorganization and Staffing	CS2		✓
Proactive Customer Communication Plan	CS1		✓
DL Improvement Metrics Dashboard	CS2	✓	✓
DL Staffing and Facility Situation Analysis	CS3	✓	✓
DL/ID Issuance Requirements	CS1	✓	✓
Mailer Upgrade	CS2		✓
Form Letter Revisions (50)	CS1		✓
IDs for Inmates	CS2		
Customer Flow Solution	CS2		✓
DL/DPS Message Development for Visual Displays	CS3	✓	✓
Signage Standardization	CS1		✓
Model Office Design	CS2		✓
Credit/Debit Card Acceptance	CS2	✓	✓
Parent Taught Driver Education Improvement	CS1	✓	✓
Regional Management Empowerment Project	CS2	✓	✓
Online Training Plan	✓	✓	EE2
Internal Communication Plan			EE1
Employee Uniforms	✓		EE1
Job Descriptions Revamp	✓	✓	EE1
DL Manual Revision + DLD Fact Sheet Development	✓	✓	EE2
IT Project Prioritization/Communication Plan	✓	SS1	✓
ADLTS (Automated Driver License Testing System)	✓	SS2	✓

TX_00245762

FY 2011 DL Improvement Project Descriptions

Customer Service Projects:

Business Intelligence Analysis – This project will help the Driver License Division understand the details about the transactions processed in our 307 offices located across the state so we can target our improvement efforts to achieve the greatest impact. This analysis, for example, will help us understand the optimal location and size of offices based on population density and population growth.

Division Reorganization and Staffing – This project will help us realign staffing to optimize division efficiency and add some new employees with skill sets that we don't currently have.

Proactive Customer Communication Plan – This project will help us identify ways to make sure our customers have easy access to information that they need to quickly complete their DL/ID transactions. In addition to making sure that we get information up to date on the web and in our offices, we may also consider using Twitter or Facebook to share information.

DL Improvement Metrics Dashboard – This project will make sure we can tangibly demonstrate the benefits of our DL Improvement Plan by developing performance measures to quantify how much we improved customer service, employee environment, and safety and security. Developing this at-a-glance assessment tool for managers, employees, and other interested parties will let us quickly gauge our progress toward improving customer service, ensuring safety and security, and enhancing our employee environment.

DL Staffing and Facility Situation Analysis – This project will analyze and briefly present information about the change in DL staffing levels over the years compared to population growth and the increasing complexity of transactions.

DL/ID Issuance Requirements – This project will clarify—for our employees and customers—exactly what documents must be presented in order to receive a Texas DL or ID card. This project will identify the best ways to present this information to our customers including the possibilities of presenting this information on the web, on large display boards at our offices, and via handouts or brochures.

Mailer Upgrade – This project will define the processes to improve the efficiency of the mailing process for the millions of documents DLD mails each year including renewal notices, DL/ID card mailings, and suspensions and surcharge notices.

Form Letter Revisions – This project will review approximately 50 different form letters we send out to make sure they are easy to understand. Many times, customers get these letters and immediately call us because they are confused. The hope is that by making the letters easier to understand we can reduce customer frustration and reduce the number of calls answered by DLD and Contact Center employees.

IDs for Inmates – This project, as required by HB2161, will develop a procedure to allow TDCJ staff to help inmates get ID cards before they are released so they can transition into society.

Customer Flow Solution – This project will provide a queuing system for our 50 largest offices allowing us to separate quick transactions from slower, more complex transactions. This capability will eventually allow us to provide online scheduling and online sharing of office wait times. This project will dramatically improve our customer service.

DL/DPS Message Development for Visual Displays – This project is related to the customer flow solution. The display screens for the queuing system also allow the display of important information for our customers. We can help them understand the requirements, share interesting facts, and convey key department messages.

Signage Standardization – By standardizing signage in our offices we will identify our most important messages and make sure they are presented uniformly and neatly in all our offices.

Model Office Design – This project will develop a standard appearance for our offices and define minimum space per counter window. While we will not be able to implement the standard appearance in all offices, having a target to shoot for will help us prepare for future facility changes.

Credit/Debit Card Acceptance – Develop the policy to accept alternate methods of payment which will improve customer convenience and reduce the threat of monetary loss to the state.

Parent Taught Driver Education Improvement – There is a great deal of confusion and frustration on all fronts regarding Parent Taught Driver Education. This project will work to simplify and clarify the requirements for this method of driver education, streamlining the process for everyone.

Regional Management Empowerment Project – This project will help develop a strong team of DL field managers who work together to solve challenges such as how to develop incident response teams, how to respond to customer calls, ways to reduce unproductive supervisory responsibility.

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Employee Environment Projects:

Online Training Plan – We will develop a clear roadmap for what training can be presented online and prioritize which training modules should be developed first. Online training offers many advantages: course content is presented consistently; employees can repeat courses they did not fully grasp the first time; supervisors can easily track training; and online training doesn't require any travel time or expenditures.

Internal Communication Plan – We will consciously think about and develop a plan to make sure that there are ample opportunities to engage in 2 way communication between employees and supervisors.

Employee Uniforms – Providing field office employees department-issued shirts will ensure a professional, recognizable appearance and relieve employees of the need to replace clothing items at their own expense when they are damaged on the job.

Job Descriptions Revamp – This project will update the job descriptions for DL employees building in opportunities for career ladder advancement as knowledge and responsibility expand. This project will also look at defining ideal employee characteristics for each job.

DL Manual Revision + DLD Fact Sheet development – The current DL Manual will be revamped to make it easier to understand and to use as the reference tool it should be. A revamped manual should make it easier for employees to do their job right. Additionally, a series of fact sheets will be developed to provide high-level brief overviews of some of DLD's high-profile activities, providing employees, regional commanders, and other stakeholders. Fact sheets have already been drafted on DRP and DPS actions to combat DL Fraud.

Safety and Security Projects:

IT Project Prioritization/Communication Plan – Using technology is key to reducing office lines and improving customer satisfaction but it is also critical to achievement of many of our other projects. This project will develop a method to prioritize IT requirements and communicate that with employees and other interested parties.

ADLTS – An Automated Driver License Testing System (ADLTS) will significantly reduce the potential for a driver license to be issued without the applicant passing the traffic law knowledge test because ADLTS will be directly connected to DLS.

Appendix 3 – Other States Driver License Fees

State	DL Fee *	AVG Fee/Year	Renewal Term by Years
1 Massachusetts	\$75.00	\$15.00	5
2 Vermont	\$28.00	\$14.00	2
3 Connecticut	\$66.00	\$11.00	6
4 Iowa	\$20.00	\$10.00	2
5 New Hampshire	\$50.00	\$10.00	5
6 Maryland	\$45.00	\$9.00	5
7 Florida	\$48.00	\$8.00	6
8 Idaho	\$30.00	\$7.50	4
9 Illinois	\$30.00	\$7.50	4
10 Oregon	\$60.00	\$7.50	8
11 Pennsylvania	\$28.00	\$7.00	4
12 New York	\$52.00	\$6.50	8
13 Rhode Island	\$31.50	\$6.30	5
14 Michigan	\$25.00	\$6.25	4
15 California	\$31.00	\$6.20	5
16 Ohio	\$24.50	\$6.13	4
17 Minnesota	\$24.00	\$6.00	4
18 New Jersey	\$24.00	\$6.00	4
19 Utah	\$30.00	\$6.00	5
20 Alabama	\$23.00	\$5.75	4
21 Nevada	\$22.00	\$5.50	4
22 Oklahoma	\$21.50	\$5.38	4
23 Maine	\$21.00	\$5.25	4
24 Mississippi	\$21.00	\$5.25	4
25 Arkansas	\$20.00	\$5.00	4
26 Delaware	\$25.00	\$5.00	5
27 Hawaii	\$40.00	\$5.00	8
28 Kentucky	\$20.00	\$5.00	4
29 Montana	\$40.00	\$5.00	8
30 Washington	\$25.00	\$5.00	5
31 Wyoming	\$20.00	\$5.00	4
32 Nebraska	\$24.00	\$4.80	5
33 New Mexico	\$18.00	\$4.50	4
34 Wisconsin	\$34.00	\$4.25	8
35 Colorado	\$21.00	\$4.20	5
36 Alaska	\$20.00	\$4.00	5
37 North Carolina	\$32.00	\$4.00	8
38 South Dakota	\$20.00	\$4.00	5
39 Texas	\$24.00	\$4.00	6
40 Virginia	\$32.00	\$4.00	8
41 Tennessee	\$19.50	\$3.90	5
42 Kansas	\$22.00	\$3.67	6
43 Georgia	\$35.00	\$3.50	10
44 Indiana	\$21.00	\$3.50	6
45 Louisiana	\$13.50	\$3.38	4
46 Missouri	\$20.00	\$3.33	6
47 West Virginia	\$13.00	\$2.60	5
48 North Dakota	\$10.00	\$2.50	4
49 South Carolina	\$25.00	\$2.50	10
50 Arizona	\$25.00	\$0.51	49

* Some states have different driver license fees. The fees shown are the highest fees for a non-commercial license.

Source: American Association of Motor Vehicle Administrators, September 2010

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Appendix 4 - Driver License Division Generated Revenue By Source Of Income

Driver License Fees	Fund	Fee	# Assessed 2010	Collected 2009	% FY09	Collected 2010	% FY10	Legislative Appropriation
Driver Responsibility Program - Trauma Fund	0111	\$100-\$2,000	1,430,014	\$ 83,922,081	5%	\$ 77,075,001	54%	Trauma Fund
Driver Responsibility Program - General Revenue	0001	\$100-\$2,000	1,430,014	\$ 83,922,081	5%	\$ 77,075,001	54%	GR Unappropriated
Driver Responsibility Program - Vendor Fees**	0001	Varies	Unknown	\$ 11,887,485	5%	\$ 13,184,340	5%	DPS
Driver License Reinstatement - Administrative	0365	\$125	49,881	\$ 6,385,368	5%	\$ 6,235,092	5%	Texas Mobility Fund
License Revocation	0365	\$125	49,881	\$ 6,385,368	5%	\$ 6,235,092	5%	Texas Mobility Fund
Motor Vehicle Safety Responsibility Fees (Reinstatement Fees)	0001	\$100	37,453	\$ 4,729,776	5%	\$ 3,745,316	5%	GR Unappropriated
Reinstatement Fees	0365	\$80-\$100	258,920	\$ 1,685,944	5%	\$ 1,759,972	5%	Texas Mobility Fund
Driver Responsibility Program - Driver License Division	0001	\$100-\$2,000	1,430,014	\$ 1,575,971	5%	\$ 1,555,959	5%	DPS
Ignition Interlock DL Fees	0365	\$10	3,544	\$ 15,640	5%	\$ 35,436	5%	Texas Mobility Fund
Subtotal				\$ 194,178,602	58%	\$ 180,600,679	54%	Enforcement/Compliance
Driver License Fees	0365	\$5-\$120	4,661,312	\$ 83,966,738	5%	\$ 85,421,383	5%	Texas Mobility Fund
ID Certificates	0365	\$5-\$15	767,905	\$ 6,649,515	5%	\$ 6,005,065	5%	Texas Mobility Fund
Parent Taught Driver Education	0365	\$20	87,472	\$ 1,913,037	5%	\$ 1,743,442	5%	DPS
Motorcycle License Fees	0365	\$8-\$15	Unknown	\$ 1,193,510	5%	\$ 987,776	5%	Texas Mobility Fund
Occupational Driver License Fees	0365	\$10-\$20	17,381	\$ 165,458	5%	\$ 194,280	5%	Texas Mobility Fund
Subtotal				\$ 95,548,253	28%	\$ 94,370,725	28%	DL/RD fees
Driver Record and Interactive Record Fees	0365	\$4-\$22	11,320,809	\$ 55,977,982	5%	\$ 55,986,414	5%	Texas Mobility Fund
Sale of License Information - (Weekly Update)	0365	\$75	2,178	\$ 165,410	5%	\$ 163,329	5%	Texas Mobility Fund
Sale of License Information - (Complete List)	0365	\$2,000	0	\$ 8,000	5%	\$ 18,000	5%	Texas Mobility Fund
Subtotal				\$ 65,852,342	16%	\$ 66,137,743	17%	Driver Record Sales
Voluntary Driver License Fee - Donor Education Awareness and Registry	0001	\$1	280,790	\$ 324,399	5%	\$ 280,790	5%	DSHS
Voluntary Driver License Fee	0001	\$1	293,448	\$ 381,311	5%	\$ 293,448	5%	GR Unappropriated
Helmet Sticker Fees**	0501	\$5	0	\$ 18,985	5%	\$ -	5%	Motorcycle Education Fund
National Driver Registry	0006	\$4	667	\$ 2,828	5%	\$ 2,869	5%	DPS
Subtotal				\$ 727,523	0%	\$ 576,907	0%	Miscellaneous
Grand Total:				\$ 347,606,732	100%	\$ 333,686,033	100%	

** These fees are appropriated to DPS but are used to pay the vendors who assist with
*** The Helmet Sticker Fee is no longer collected (starting in 2010)

What Will It Take to Fix Driver License?

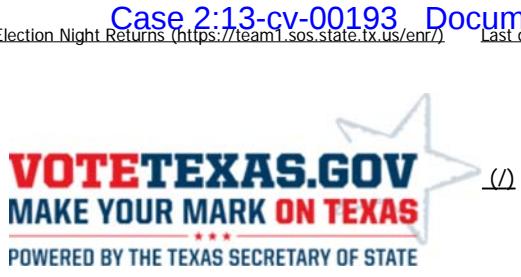
Page 24

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Defendant's Exhibit #

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DE-001482



Qualified voters without an approved photo ID may obtain a free Election Identification Card from DPS. Find out more at dps.texas.gov (<http://www.txdps.state.tx.us/DriverLicense/electionID.htm>).

PL1036

9/2/2014

2:13-cv-00193

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1

1

Election Identification Certificate Mobile Stations

The Office of the Texas Secretary of State and the Texas Department of Public Safety have joined in partnership to offer Election Identification Certificates (EICs) at mobile stations across the state. Election Identification Cards are available to qualified voters who do not otherwise have an approved form of photo ID for voting. [Learn more about EICs](http://www.txdps.state.tx.us/DriverLicense/electionID.htm) (<http://www.txdps.state.tx.us/DriverLicense/electionID.htm>) here.

EIC applicants will need to bring evidence of [citizenship and identity](http://www.txdps.state.tx.us/DriverLicense/eicDocReqmnts.htm) (<http://www.txdps.state.tx.us/DriverLicense/eicDocReqmnts.htm>). To avoid confusion or delays, please review the list of required documents before applying for an EIC.

Below are EIC mobile station locations scheduled so far. More locations will be added as they are scheduled and confirmed. Based on the mobile nature of the units, locations, dates and times are subject to change.

May 15, 2014

Location	Address
El Paso County Courthouse, 10:00 AM – 4:00 PM	500 E. San Antonio, 1st Floor, El Paso, Texas 79901

May 14, 2014

Location	Address
El Paso County, Bassett Place, 10:00 AM – 4:00 PM	6101 Gateway West, El Paso, Texas 79925

February 28, 2014

Location	Address
Collin County, Commissioner's Courtroom	2300 Bloomdale Road Suite 4152, McKinney, Texas 75071
Harris County, Lone Star College System	4141 Victory Dr., Houston, Texas 77088
Harris County, Holman Street Baptist Church	3422 Holman St # B, Houston , Texas 77004

February 27, 2014

Location	Address
Jefferson County, Port Arthur Public Library	4615 Ninth Ave., Port Arthur, Texas 77642
Collin County, Commissioner's Courtroom	2300 Bloomdale Road Suite 4152, McKinney, Texas 75071
Harris County, Lone Star College System	4141 Victory Dr., Houston, Texas 77088
Harris County, Holman Street Baptist Church	3422 Holman St # B., Houston, Texas 77004

February 26, 2014

Location	Address
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Travis County, Clerk's Office	5501 Airport Blvd., Austin, Texas 78751
Fort Bend County, Missouri City Annex	307 Texas Parkway, Missouri City, Texas 77489
Bexar County, Las Palmas Library	515 Castroville Rd., San Antonio, Texas 78237
Montgomery County, Central Library	104 I-45 North, Conroe, Texas 77301
Williamson County, The Caring Place	2000 Railroad St., Georgetown, Texas 78626
Jefferson County, Alice Keith Community Center	4075 Highland, Beaumont, Texas 77705

February 25, 2014

Location	Address
Travis County, Clerk's Office	5501 Airport Blvd., Austin, Texas 78751
Fort Bend County, Missouri City Annex	307 Texas Parkway, Missouri City, Texas 77489
Bexar County, Claude Black Community Center	2805 E Commerce St., San Antonio, Texas 78203
Montgomery County, Central Library	104 I-45 North, Conroe, Texas 77301
Williamson County, BACA Senior Center Lobby	303 W. Bagdad Road, Round Rock, Texas 78664

February 21, 2014

Location	Address
Hidalgo County, South Texas College Building H – Student Lounge	3201 W. Pecan, McAllen, Texas 78501
Tarrant County, Plaza Building	201 Burnett Street, 3rd Floor, Fort Worth, Texas 76102
El Paso County, Courthouse Main Lobby – First Floor	500 East San Antonio, El Paso, Texas 79901
Brooks County Library	203 Calixto Mora Ave., Falfurrias, Texas 78355

February 20, 2014

Location	Address
Hidalgo County, South Texas College Building H – Student Lounge	3201 W. Pecan, McAllen, Texas 78501
Trinity County, Trinity Fire Department	201 S Elm St., Trinity, Texas 75862
Galveston County, Dickinson Community Center	2714 Highway 3, Dickinson, Texas 77539
Tarrant County Plaza Building	201 Burnett Street, 3rd Floor, Fort Worth, Texas 76102
El Paso County Courthouse Main Lobby – First Floor	500 East San Antonio, El Paso, Texas 79901

Brooks County Library

203 Calixto Mora Ave., Falfurrias, Texas
78355**February 19, 2014**

Location	Address
Hidalgo County, University of Texas Pan American, Student Union	1201 West University Drive Edinburg, Texas 78539
Nueces County Courthouse Room 203	901 Leopard St., Corpus Christi, Texas 78401
Cameron County, Dancy Building Exhibit Room	1100 East Monroe St., Brownsville, Texas 78520
Trinity County, Trinity Fire Department	201 S Elm St., Trinity, Texas 75862
Galveston County Courthouse	Commissioner's Room 722 Moody (21st St.), Galveston, Texas 77550
Denton County, Texas Woman's University Student Union Building	304 Administration Drive, Denton, Texas 76204

February 18, 2014

Location	Address
Cameron County, Harlingen City Hall	118 East Tyler Ave., Harlingen, Texas 78550
Dallas County, J. Erik Jonsson Central Library, 1st Floor Lobby	1515 Young Street, Dallas, Texas 75201
Nueces County Courthouse	901 Leopard St Rm 203, Corpus Christi, Texas 78401
Hidalgo County, University of Texas Pan American Student Union Building	1201 West University Drive, Edinburg, Texas 78539

[View the Identification Certificate Mobile Station location during 2013 \(/election-identification-certificate-mobile-stations-used-in-2013/\)](#)

Not Registered?

To vote in Texas, you must be registered. Simply pick up a [voter registration application](#) (<http://www.sos.state.tx.us/elections/voter/regvr.shtml>), fill it out, and mail it at least 30 days before the election date.

[MORE ABOUT REGISTRATION >](#)

(<http://votetexas.gov/register-to-vote/>)

[Home \(/\)](#) | [Register to Vote](#) (<http://votetexas.gov/register-to-vote/>) | [Who, What, Where, When, How](#) (<http://votetexas.gov/voting/>) | [Military & Overseas Voters](#) (<http://votetexas.gov/military-overseas-voters/>) | [Voters With Special Needs](#) (<http://votetexas.gov/voters-with-special-needs/>) | [Your Rights](#) (<http://votetexas.gov/your-rights/>) | [FAQ](#) (<http://votetexas.gov/faq/>) | [Resources](#) (<http://votetexas.gov/resources/>)

Remind your friends to vote

Spread the word, share important election information with your friends and family!

[MORE ABOUT REMINDING >](#)
(<http://votetexas.gov/remind/>)

Voting is easy, so is getting the facts

Texans must show an approved photo ID when voting in person.

[MORE ABOUT PHOTO ID >](#)
(<http://votetexas.gov/register-to-vote/need-id/>)

Switch to our mobile site (http://votetexas.gov/election-identification-certificate-mobile-stations/?wpmp_switcher=mobile)

(800) 252-VOTE www.sos.state.tx.us (<http://www.sos.state.tx.us>)

Plaintiff Exhibit PL1037

WITHDRAWN

By: Eissler

H.B. No. 6

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the foundation curriculum, the establishment of the
3 instructional materials allotment, and the adoption, review, and
4 purchase of instructional materials and technological equipment
5 for public schools.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 7.055(b)(28), Education Code, is amended
8 to read as follows:

9 (28) The commissioner shall perform duties relating to
10 the funding, adoption, and purchase of instructional materials
11 [~~textbooks~~] under Chapter 31.

12 SECTION 2. Section 7.056(f), Education Code, is amended to
13 read as follows:

14 (f) A school district or campus that is required to develop
15 and implement a student achievement improvement plan under Section
16 39.102 or 39.103 may receive an exemption or waiver under this
17 section from any law or rule other than:

18 (1) a prohibition on conduct that constitutes a
19 criminal offense;

20 (2) a requirement imposed by federal law or rule;

21 (3) a requirement, restriction, or prohibition
22 imposed by state law or rule relating to:

23 (A) public school accountability as provided by
24 Subchapters B, C, D, E, and J, Chapter 39; or

H.B. No. 6

6 SECTION 3. Section 7.102(c)(23), Education Code, is amended
7 to read as follows:

(23) The board shall adopt and purchase or license instructional materials [~~textbooks~~] as provided by Chapter 31 and adopt rules required by that chapter.

11 SECTION 4. Sections 7.108(a) and (c), Education Code, are
12 amended to read as follows:

13 (a) A person interested in selling bonds of any type or a
14 person engaged in manufacturing, shipping, selling, or advertising
15 instructional materials [~~textbooks~~] or otherwise connected with
16 the instructional material [~~textbook~~] business commits an offense
17 if the person makes or authorizes a political contribution to or
18 takes part in, directly or indirectly, the campaign of any person
19 seeking election to or serving on the board.

20 (c) In this section:

21 (1) "Instructional material" has the meaning assigned
22 by Section 31.002.

23 (2) "Political contribution" has the meaning assigned
24 by Section 251.001, Election Code.

25 [(2) "Textbook" has the meaning assigned by Section
26 31.002.]

27 SECTION 5. The heading to Section 7.112, Education Code, is

H.B. No. 6

1 amended to read as follows:

2 Sec. 7.112. REPRESENTATION OF [TEXTBOOK] PUBLISHER OF
3 INSTRUCTIONAL MATERIALS BY FORMER MEMBER OF BOARD.

4 SECTION 6. Section 7.112(a), Education Code, is amended to
5 read as follows:

6 (a) A former member of the State Board of Education who is
7 employed by or otherwise receives compensation from a [textbook]
8 publisher of instructional materials may not, before the second
9 anniversary of the date on which the person last served as a member
10 of the State Board of Education:

11 (1) confer with a member of the board of trustees of a
12 school district concerning instructional materials [~~a textbook~~]
13 published by that [textbook] publisher; or

14 (2) appear at a meeting of the board of trustees on
15 behalf of the [textbook] publisher.

16 SECTION 7. Section 7.112(c)(2), Education Code, is amended
17 to read as follows:

18 (2) "Instructional material" and "publisher"
19 [~~"Publisher"~~ and ~~"textbook"~~] have the meanings assigned by Section
20 31.002.

21 SECTION 8. Section 11.158(b), Education Code, is amended to
22 read as follows:

23 (b) The board may not charge fees for:

24 (1) instructional materials [~~textbooks~~], workbooks,
25 laboratory supplies, or other supplies necessary for participation
26 in any instructional course except as authorized under this code;

27 (2) field trips required as a part of a basic education

H.B. No. 6

1 program or course;

2 (3) any specific form of dress necessary for any
3 required educational program or diplomas;

4 (4) the payment of instructional costs for necessary
5 school personnel employed in any course or educational program
6 required for graduation;

7 (5) library materials [~~books~~] required to be used for
8 any educational course or program, other than fines for lost,
9 damaged, or overdue materials [~~books~~];

10 (6) admission to any activity the student is required
11 to attend as a prerequisite to graduation;

12 (7) admission to or examination in any required
13 educational course or program; or

14 (8) lockers.

15 SECTION 9. Section 11.164(a), Education Code, is amended to
16 read as follows:

17 (a) The board of trustees of each school district shall
18 limit redundant requests for information and the number and length
19 of written reports that a classroom teacher is required to prepare.
20 A classroom teacher may not be required to prepare any written
21 information other than:

22 (1) any report concerning the health, safety, or
23 welfare of a student;

24 (2) a report of a student's grade on an assignment or
25 examination;

26 (3) a report of a student's academic progress in a
27 class or course;

H.B. No. 6

1 (4) a report of a student's grades at the end of each
2 grade reporting period;

3 (5) a [textbook] report on instructional materials;

4 (6) a unit or weekly lesson plan that outlines, in a
5 brief and general manner, the information to be presented during
6 each period at the secondary level or in each subject or topic at
7 the elementary level;

8 (7) an attendance report;

9 (8) any report required for accreditation review;

10 (9) any information required by a school district that
11 relates to a complaint, grievance, or actual or potential
12 litigation and that requires the classroom teacher's involvement;
13 or

14 (10) any information specifically required by law,
15 rule, or regulation.

16 SECTION 10. Section 19.007(e), Education Code, is amended
17 to read as follows:

18 (e) The district may participate in the instructional
19 materials [textbook] program under Chapter 31.

20 SECTION 11. Sections 26.006(a) and (c), Education Code, are
21 amended to read as follows:

22 (a) A parent is entitled to:

23 (1) review all teaching materials, instructional
24 materials [textbooks], and other teaching aids used in the
25 classroom of the parent's child; and

26 (2) review each test administered to the parent's
27 child after the test is administered.

H.B. No. 6

1 (c) A student's parent is entitled to request that the
2 school district or open-enrollment charter school the student
3 attends allow the student to take home any instructional materials
4 [~~textbook~~] used by the student. Subject to the availability of the
5 instructional materials [~~a textbook~~], the district or school shall
6 honor the request. A student who takes home instructional
7 materials [~~a textbook~~] must return the instructional materials
8 [~~textbook~~] to school at the beginning of the next school day if
9 requested to do so by the student's teacher. In this subsection,
10 "instructional material" [~~textbook~~] has the meaning assigned by
11 Section 31.002.

12 SECTION 12. Sections 28.002(a), (c), (h), and (n),
13 Education Code, are amended to read as follows:

14 (a) Each school district that offers kindergarten through
15 grade 12 shall offer, as a required curriculum:

16 (1) a foundation curriculum that includes:

17 (A) English language arts;

18 (B) mathematics;

19 (C) science; and

20 (D) social studies, consisting of Texas, United
21 States, and world history, government, economics, with emphasis on
22 the free enterprise system and its benefits, and geography; and

23 (2) an enrichment curriculum that includes:

24 (A) to the extent possible, languages other than
25 English;

26 (B) health, with emphasis on the importance of
27 proper nutrition and exercise;

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10 (c) The State Board of Education, with the direct
11 participation of educators, parents, business and industry
12 representatives, and employers shall by rule identify the essential
13 knowledge and skills of each subject of the required curriculum
14 that all students should be able to demonstrate and that will be
15 used in evaluating instructional materials [~~textbooks~~] under
16 Chapter 31 and addressed on the assessment instruments required
17 under Subchapter B, Chapter 39. As a condition of accreditation,
18 the board shall require each district to provide instruction in the
19 essential knowledge and skills at appropriate grade levels.

20 (h) The State Board of Education and each school district
21 shall foster the continuation of the tradition of teaching United
22 States and Texas history and the free enterprise system in regular
23 subject matter and in reading courses and in the adoption of
24 instructional materials [~~textbooks~~]. A primary purpose of the
25 public school curriculum is to prepare thoughtful, active citizens
26 who understand the importance of patriotism and can function
27 productively in a free enterprise society with appreciation for the

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1 basic democratic values of our state and national heritage.

2 (n) The State Board of Education may by rule develop and
3 implement a plan designed to incorporate foundation curriculum
4 requirements into the career and technology education curriculum
5 under Subsection (a)(2)(E) [~~(a)(2)(F)~~].

6 SECTION 13. Sections 28.0022(a) and (d), Education Code,
7 are amended to read as follows:

8 (a) Not later than November 1, 2007, the agency shall
9 establish a panel under this section to:

10 (1) review and recommend revisions to the career and
11 technical education curriculum under Section 28.002(a)(2)(E)
12 [~~28.002(a)(2)(F)~~]; and

13 (2) review and recommend revisions for the program in
14 which high schools and articulated postsecondary institutions
15 allow high school students to take advanced technical credit
16 courses.

17 (d) Not later than November 1, 2008, the panel shall:

18 (1) complete the review as required by this section
19 of:

20 (A) the career and technical education
21 curriculum; and

22 (B) the program under which high schools and
23 articulated postsecondary institutions allow high school students
24 to take advanced technical credit courses; and

25 (2) make recommendations to the State Board of
26 Education as necessary to:

27 (A) increase the academic rigor of the career and

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1 technical education curriculum under Section 28.002(a)(2)(E)
2 [~~28.002(a)(2)(F)~~]; and

3 (B) improve and increase participation in the
4 program under which high schools and articulated postsecondary
5 institutions allow high school students to take advanced technical
6 credit courses.

7 SECTION 14. Section 28.003(b), Education Code, is amended
8 to read as follows:

9 (b) In this section, "educational program" means a course or
10 series of courses in the required curriculum under Section 28.002,
11 other than a fine arts course under Section 28.002(a)(2)(D) or a
12 career and technology course under Section 28.002(a)(2)(E)
13 [~~28.002(a)(2)(F)~~].

14 SECTION 15. Section 28.011(c), Education Code, is amended
15 to read as follows:

16 (c) A student may not be required to use a specific
17 translation as the sole text of the Hebrew Scriptures or New
18 Testament and may use as the basic instructional material
19 [~~textbook~~] a different translation of the Hebrew Scriptures or New
20 Testament from that chosen by the board of trustees of the student's
21 school district or the student's teacher.

22 SECTION 16. The heading to Chapter 31, Education Code, is
23 amended to read as follows:

24 CHAPTER 31. INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]

25 SECTION 17. Section 31.001, Education Code, is amended to
26 read as follows:

27 Sec. 31.001. FREE INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~].

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1 Instructional materials [~~Textbooks~~] selected for use in the public
2 schools shall be furnished without cost to the students attending
3 those schools. Except as provided by Section 31.104(d), a school
4 district may not charge a student for instructional material or
5 technological equipment purchased by the district with the
6 district's instructional materials allotment.

7 SECTION 18. Sections 31.002(1), (1-a), (2), and (4),
8 Education Code, are amended to read as follows:

9 (1) "Instructional material" [~~"Electronic textbook"~~]
10 means content that conveys the essential knowledge and skills of a
11 subject in the public school curriculum through a medium or a
12 combination of media for conveying information to a student. The
13 term includes a book, supplementary materials, a combination of a
14 book, workbook, and supplementary materials, computer software,
15 [~~interactive videodisc,~~] magnetic media, DVD, CD-ROM, computer
16 courseware, on-line services, or an electronic medium, or other
17 means of conveying information to the student or otherwise
18 contributing to the learning process through electronic means,
19 including [an] open-source instructional material [~~textbook~~].

20 (1-a) "Open-source instructional material"
21 [~~textbook~~] means [an] electronic instructional material
22 [~~textbook~~] that is available for downloading from the Internet at
23 no charge to a student and without requiring the purchase of an
24 unlock code, membership, or other access or use charge, except for a
25 charge to order an optional printed copy of all or part of the
26 instructional material [~~textbook~~]. The term includes [a]
27 state-developed open-source instructional material [~~textbook~~]

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1 purchased under Subchapter B-1.

2 (2) "Publisher" includes an on-line service or a
3 developer or distributor of [an] electronic instructional
4 materials [~~textbook~~].

5 (4) "Technological equipment" means hardware, a
6 device, or equipment necessary for:

7 (A) instructional use in the classroom,
8 including to gain access to or enhance the use of [an] electronic
9 instructional materials [~~textbook~~]; or

10 (B) professional use by a classroom teacher.

11 SECTION 19. Subchapter A, Chapter 31, Education Code, is
12 amended by amending Sections 31.003 and 31.004 and adding Section
13 31.005 to read as follows:

14 Sec. 31.003. RULES. The State Board of Education may adopt
15 rules, consistent with this chapter, for the adoption, requisition,
16 distribution, care, use, and disposal of instructional materials
17 [~~textbooks~~].

18 Sec. 31.004. CERTIFICATION OF PROVISION OF [~~TEXTBOOKS,~~
19 ~~ELECTRONIC TEXTBOOKS, AND]~~ INSTRUCTIONAL MATERIALS. Each school
20 district and open-enrollment charter school shall annually certify
21 to the State Board of Education and the commissioner that, for each
22 subject in the foundation [~~required~~] curriculum under Section
23 28.002 and each grade level, the district provides each student
24 with [~~textbooks, electronic textbooks, or~~] instructional materials
25 that cover all elements of the essential knowledge and skills
26 adopted by the State Board of Education for that subject and grade
27 level.

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1 Sec. 31.005. FUNDING FOR OPEN-ENROLLMENT CHARTER SCHOOLS.

2 An open-enrollment charter school is entitled to the instructional
3 materials allotment under this chapter and is subject to this
4 chapter as if the school were a school district.

5 SECTION 20. The heading to Section 31.021, Education Code,
6 is amended to read as follows:

7 Sec. 31.021. STATE INSTRUCTIONAL MATERIALS [TEXTBOOK]
8 FUND.

9 SECTION 21. Section 31.021, Education Code, is amended by
10 amending Subsections (a) and (d) and adding Subsection (c) to read
11 as follows:

12 (a) The state instructional materials [~~textbook~~] fund
13 consists of:

14 (1) an amount set aside by the State Board of Education
15 from the available school fund, in accordance with Section
16 43.001(d); and

17 (2) [~~all funds accruing from the state's sale of~~
18 ~~disused textbooks; and~~

19 [~~(3)~~] all amounts lawfully paid into the fund from any
20 other source.

21 (c) Money in the state instructional materials fund shall be
22 used to:

23 (1) fund the instructional materials allotment, as
24 provided by Section 31.0211;

25 (2) purchase special instructional materials for the
26 education of blind and visually impaired students in public
27 schools;

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- 1 (3) pay the expenses associated with the instructional
- 2 materials adoption and review process under this chapter;
- 3 (4) pay the expenses associated with the purchase or
- 4 licensing of open-source instructional material, to the extent
- 5 authorized by the General Appropriations Act; and
- 6 (5) pay the expenses associated with the purchase of
- 7 instructional material, including freight, shipping, and insurance
- 8 expenses.

9 (d) Money transferred to the state instructional materials
10 ~~[textbook]~~ fund remains in the fund until spent and does not lapse
11 to the state at the end of the fiscal year.

12 SECTION 22. Subchapter B, Chapter 31, Education Code, is
13 amended by adding Sections 31.0211, 31.0212, 31.0213, and 31.0214
14 to read as follows:

15 Sec. 31.0211. INSTRUCTIONAL MATERIALS ALLOTMENT. (a) A
16 school district is entitled to an annual allotment from the state
17 instructional materials fund for each student enrolled in the
18 district on a date during the preceding school year specified by the
19 commissioner. The commissioner shall determine the amount of the
20 allotment per student each year on the basis of the amount of money
21 available in the state instructional materials fund to fund the
22 allotment. An allotment under this section shall be transferred
23 from the state instructional materials fund to the credit of the
24 district's instructional materials account as provided by Section
25 31.0212.

26 (b) A juvenile justice alternative education program under
27 Section 37.011 is entitled to an allotment from the state

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1 instructional materials fund in an amount determined by the
2 commissioner. The program shall use the allotment to purchase
3 items listed in Subsection (c) for students enrolled in the
4 program. The commissioner's determination under this subsection is
5 final and may not be appealed.

6 (c) Subject to Subsection (d), funds allotted under this
7 section may be used to:

8 (1) purchase:

9 (A) materials on the list adopted by the
10 commissioner, as provided by Section 31.0231;

11 (B) instructional materials, regardless of
12 whether the instructional materials are on the conforming or
13 nonconforming list, as provided by Section 31.024;

14 (C) consumable instructional materials,
15 including workbooks;

16 (D) instructional materials for use in bilingual
17 education classes, as provided by Section 31.029;

18 (E) supplemental instructional materials, as
19 provided by Section 31.035;

20 (F) state-developed open-source instructional
21 materials, as provided by Subchapter B-1;

22 (G) instructional materials and technological
23 equipment under any continuing contracts of the district in effect
24 on September 1, 2011; and

25 (H) technological equipment necessary to support
26 the use of materials included on the list adopted by the
27 commissioner under Section 31.0231 or any instructional materials

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1 purchased with an allotment under this section; and

2 (2) pay for training educational personnel directly
3 involved in student learning in the appropriate use of
4 instructional materials and for providing for access to
5 technological equipment for instructional use.

6 (d) Each year a school district shall use the district's
7 allotment under this section to purchase:

8 (1) a sufficient quantity of instructional materials
9 or technological equipment that corresponds to the adoption cycle
10 under Section 31.022;

11 (2) instructional materials necessary to permit the
12 district to certify that the district has instructional materials
13 that cover all elements of the essential knowledge and skills of the
14 foundation curriculum for each grade level as required by Section
15 31.004; and

16 (3) any other instructional materials or
17 technological equipment as determined by the district.

18 (d-1) Notwithstanding Subsection (d), for the state fiscal
19 year beginning September 1, 2011, a school district may use an
20 allotment received under this section to purchase any combination
21 of:

22 (1) instructional materials available for selection
23 under the 2011 proclamation issued by the State Board of Education;
24 or

25 (2) other instructional materials or technological
26 equipment available to the district under a continuing contract in
27 effect on September 1, 2011.

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1 (d-2) Subsection (d-1) and this subsection expire August
2 31, 2012.

3 (e) Not later than May 31 of each school year, a school
4 district may request that the commissioner adjust the number of
5 students for which the district is entitled to receive an allotment
6 under Subsection (a) on the grounds that the number of students
7 attending school in the district will increase or decrease during
8 the school year for which the allotment is provided. The
9 commissioner may also adjust the number of students for which a
10 district is entitled to receive an allotment, without a request by
11 the district, if the commissioner determines a different number of
12 students is a more accurate reflection of students who will be
13 attending school in the district. The commissioner's determination
14 under this subsection is final.

15 (f) The commissioner may adopt rules as necessary to
16 implement this section.

17 Sec. 31.0212. INSTRUCTIONAL MATERIALS ACCOUNT. (a) The
18 commissioner shall maintain an instructional materials account for
19 each school district. Each school year, the commissioner shall
20 deposit in the account for each district the amount of the
21 district's instructional materials allotment under Section
22 31.0211.

23 (b) The commissioner shall pay the cost of instructional
24 materials requisitioned by a school district under Section 31.103
25 using funds from the district's instructional materials account.

26 (c) A school district may also use funds in the district's
27 account to purchase electronic instructional materials or

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1 technological equipment. The district shall submit to the
2 commissioner a request for funds for this purpose from the
3 district's account. The commissioner shall adopt rules regarding
4 the documentation a school district must submit to receive funds
5 under this subsection.

6 (d) Money deposited in a school district's instructional
7 materials account during each state fiscal biennium remains in the
8 account and available for use by the district for the entire
9 biennium. At the end of each biennium, a district with unused money
10 in the district's account may carry forward any remaining balance
11 to the next biennium.

12 (e) The commissioner may adopt rules as necessary to
13 implement this section.

14 Sec. 31.0213. CERTIFICATION OF USE OF INSTRUCTIONAL
15 MATERIALS ALLOTMENT. Each school district shall annually certify
16 to the commissioner that the district's instructional materials
17 allotment has been used only for expenses allowed by Section
18 31.0211.

19 Sec. 31.0214. ADJUSTMENT FOR HIGH ENROLLMENT GROWTH
20 DISTRICTS. (a) Each year the commissioner shall adjust the
21 instructional materials allotment of school districts experiencing
22 high enrollment growth. The commissioner shall establish a
23 procedure for determining high enrollment growth districts
24 eligible to receive an adjustment under this section and the amount
25 of the instructional materials allotment those districts will
26 receive.

27 (b) The commissioner may adopt rules as necessary to

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1 implement this section.

2 SECTION 23. The heading to Section 31.022, Education Code,
3 is amended to read as follows:

4 Sec. 31.022. INSTRUCTIONAL MATERIALS [TEXTBOOK] REVIEW AND
5 ADOPTION.

6 SECTION 24. Section 31.022, Education Code, is amended by
7 amending Subsections (a), (b), (c), (e), and (f) and adding
8 Subsection (b-1) to read as follows:

9 (a) The State Board of Education shall adopt a review and
10 adoption cycle for instructional materials [textbooks] for
11 elementary grade levels, including prekindergarten, and secondary
12 grade levels, for each subject in the required curriculum under
13 Section 28.002. In adopting the cycle, the board:

14 (1) is not required to review and adopt instructional
15 materials for all grade levels in a single year; and

16 (2) shall give priority to instructional materials for
17 subjects in the following order:

18 (A) foundation curriculum subjects for which the
19 essential knowledge and skills have been substantially revised and
20 for which assessment instruments are required under Subchapter B,
21 Chapter 39, including career and technology courses that satisfy
22 foundation curriculum requirements as provided by Section
23 28.002(n);

24 (B) foundation curriculum subjects for which the
25 essential knowledge and skills have been substantially revised,
26 including career and technology courses that satisfy foundation
27 curriculum requirements as provided by Section 28.002(n);

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1 (C) foundation curriculum subjects not described
2 by Paragraph (A) or (B), including career and technology courses
3 that satisfy foundation curriculum requirements as provided by
4 Section 28.002(n); and

5 (D) enrichment curriculum subjects.

6 (b) The board shall organize the cycle for subjects in the
7 foundation curriculum so that not more than one-fourth [~~one-sixth~~]
8 of the instructional materials [~~textbooks~~] for subjects in the
9 foundation curriculum are reviewed each biennium [~~year~~]. The board
10 shall adopt rules to provide for a full and complete investigation
11 of instructional materials [~~textbooks~~] for each subject in the
12 foundation curriculum [~~at least~~] every eight [~~six~~] years. The
13 adoption of instructional materials [~~textbooks~~] for a subject in
14 the foundation curriculum may be extended beyond the eight-year
15 [~~six-year~~] period only if the content of instructional materials
16 [~~textbooks~~] for a subject is sufficiently current.

17 (b-1) For the biennium beginning September 1, 2011, the
18 board shall review and adopt instructional materials for English
19 language arts. This subsection expires September 1, 2013.

20 (c) The board shall adopt rules to provide for a full and
21 complete investigation of instructional materials [~~textbooks~~] for
22 each subject in the enrichment curriculum on a cycle the board
23 considers appropriate.

24 (e) The board shall designate a request for production of
25 instructional materials [~~textbooks~~] in a subject area and grade
26 level by the school year in which the instructional materials
27 [~~textbooks~~] are intended to be made available in classrooms and not

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1 by the school year in which the board makes the request for
2 production.

3 (f) The board shall amend any request for production issued
4 for the purchase of instructional materials [~~textbooks~~] to conform
5 to the instructional materials [~~textbook~~] funding levels provided
6 by the General Appropriations Act for the year of implementation.

7 SECTION 25. Section 31.0221, Education Code, is amended to
8 read as follows:

9 Sec. 31.0221. MIDCYCLE REVIEW AND ADOPTION OF INSTRUCTIONAL
10 MATERIALS [~~TEXTBOOKS~~]. (a) The State Board of Education shall
11 adopt rules for the midcycle review and adoption of instructional
12 material [~~a textbook~~] for a subject for which instructional
13 materials [~~textbooks~~] are not currently under review by the board
14 under Section 31.022. The rules must require:

15 (1) the publisher of the instructional material
16 [~~textbook~~] to pay a fee to the board to cover the cost of the
17 midcycle review and adoption of the instructional material
18 [~~textbook~~];

19 (2) the publisher of the instructional material
20 [~~textbook~~] to enter into a contract with the board concerning the
21 instructional material [~~textbook~~] for a term that ends at the same
22 time as any contract entered into by the board for other
23 instructional materials [~~another textbook~~] for the same subject and
24 grade level; and

25 (3) a commitment from the publisher to provide the
26 instructional material [~~textbook~~] to school districts in the manner
27 specified by the publisher, which may include:

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1 (A) providing the instructional material
2 [textbook] to any district in a regional education service center
3 area identified by the publisher; or

4 (B) providing a certain maximum number of
5 instructional materials [textbooks] specified by the publisher.

6 (b) Sections 31.023 and 31.024 apply to instructional
7 material [a textbook] adopted under this section. Section 31.027
8 does not apply to instructional material [a textbook] adopted under
9 this section.

10 SECTION 26. Section 31.023, Education Code, is amended to
11 read as follows:

12 Sec. 31.023. INSTRUCTIONAL MATERIAL [TEXTBOOK] LISTS. (a)
13 For each subject and grade level, the State Board of Education shall
14 adopt two lists of instructional materials [textbooks]. The
15 conforming list includes each instructional material [textbook]
16 submitted for the subject and grade level that meets applicable
17 physical specifications adopted by the State Board of Education and
18 contains material covering each element of the essential knowledge
19 and skills of the subject and grade level in the student version of
20 the instructional material [textbook], as well as in the teacher
21 version of the instructional material [textbook], as determined by
22 the State Board of Education under Section 28.002 and adopted under
23 Section 31.024. The nonconforming list includes each instructional
24 material [textbook] submitted for the subject and grade level that:

25 (1) meets applicable physical specifications adopted
26 by the State Board of Education;

27 (2) contains material covering at least half, but not

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1 all, of the elements of the essential knowledge and skills of the
2 subject and grade level in the student version of the instructional
3 material [textbook], as well as in the teacher version of the
4 instructional material [textbook]; and

5 (3) is adopted under Section 31.024.

6 (b) Each instructional material [textbook] on a conforming
7 or nonconforming list must be free from factual errors.

8 SECTION 27. Section 31.0231, Education Code, is amended to
9 read as follows:

10 Sec. 31.0231. COMMISSIONER'S [~~ELECTRONIC TEXTBOOK AND~~
11 ~~INSTRUCTIONAL MATERIAL~~] LIST. (a) The commissioner shall adopt a
12 list of:

13 (1) electronic instructional material [textbooks];
14 and

15 (2) science [~~instructional~~] material that conveys
16 information to the student or otherwise contributes to the learning
17 process, including tools, models, and investigative materials
18 designed for use as part of the foundation curriculum for science in
19 kindergarten through grade five.

20 (b) A school district may select [~~an electronic textbook or~~
21 ~~instructional~~] material on the list adopted under Subsection (a) to
22 be funded by the district's instructional materials allotment
23 [~~state textbook fund~~] under Section 31.0211 [31.021].

24 (c) Before the commissioner places [~~an electronic textbook~~
25 ~~or instructional~~] material on the list adopted under Subsection
26 (a), the State Board of Education must be given an opportunity to
27 comment on the [~~electronic textbook or instructional~~] material.

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1 Material [~~An electronic textbook or instructional material~~] placed
2 on the list adopted under Subsection (a):

3 (1) must be reviewed and recommended to the
4 commissioner by a panel of recognized experts in the subject area of
5 the [~~electronic textbook or instructional~~] material and experts in
6 education technology;

7 (2) must satisfy criteria adopted for the purpose by
8 commissioner rule; and

9 (3) must meet the National Instructional Materials
10 Accessibility Standard, to the extent practicable as determined by
11 the commissioner.

12 (d) The criteria adopted under Subsection (c)(2) must:

13 (1) include evidence of alignment with current
14 research in the subject for which the [~~electronic textbook or~~
15 ~~instructional~~] material is intended to be used;

16 (2) include coverage of the essential knowledge and
17 skills identified under Section 28.002 for the subject for which
18 the [~~electronic textbook or instructional~~] material is intended to
19 be used and identify:

20 (A) each of the essential knowledge and skills
21 for the subject and grade level or levels covered by the [~~electronic~~
22 ~~textbook or instructional~~] material; and

23 (B) the percentage of the essential knowledge and
24 skills for the subject and grade level or levels covered by the
25 [~~electronic textbook or instructional~~] material; and

26 (3) include appropriate training for teachers.

27 (e) The commissioner shall update, as necessary, the list

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1 adopted under Subsection (a). Before the commissioner places [an
2 ~~electronic textbook or instructional~~] material on the updated list,
3 the requirements of Subsection (c) must be met. [Before the
4 ~~commissioner removes an electronic textbook or instructional~~
5 ~~material from the updated list, the removal must be recommended by a~~
6 ~~panel of recognized experts in the subject area of the electronic~~
7 ~~textbook or instructional material and experts in education~~
8 ~~technology.~~]

9 (f) After notice to the commissioner explaining in detail
10 the changes, the provider of [an ~~electronic textbook or~~
11 ~~instructional~~] material on the list adopted under Subsection (a)
12 may update the navigational features or management system related
13 to the [electronic textbook or instructional] material.

14 (g) After notice to the commissioner and a review by the
15 commissioner, the provider of [an ~~electronic textbook or~~
16 ~~instructional~~] material on the list adopted under Subsection (a)
17 may update the content of the [electronic textbook or
18 ~~instructional~~] material if needed to accurately reflect current
19 knowledge or information.

20 (h) The commissioner shall adopt rules as necessary to
21 implement this section. The rules must:

22 (1) be consistent with Section 31.151 regarding the
23 duties of publishers and manufacturers, as appropriate, and the
24 imposition of a reasonable administrative penalty; and

25 (2) require public notice of an opportunity for the
26 submission of [an ~~electronic textbook or instructional~~] material.

27 SECTION 28. Section 31.024, Education Code, is amended to

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1 read as follows:

2 Sec. 31.024. ADOPTION BY STATE BOARD OF EDUCATION. (a) By
3 majority vote, the State Board of Education shall:

4 (1) place each submitted instructional material
5 [~~textbook~~] on a conforming or nonconforming list; or

6 (2) reject instructional material [~~a textbook~~]
7 submitted for placement on a conforming or nonconforming list.

8 (b) Not later than December 1 of the year preceding the
9 school year for which the instructional materials [~~textbooks~~] for a
10 particular subject and grade level will be purchased under the
11 cycle adopted by the board under Section 31.022, the board shall
12 provide the lists of adopted instructional materials [~~textbooks~~] to
13 each school district. Each nonconforming list must include the
14 reasons [~~an~~] adopted instructional material [~~textbook~~] is not
15 eligible for the conforming list.

16 SECTION 29. The heading to Section 31.0241, Education Code,
17 is amended to read as follows:

18 Sec. 31.0241. ADOPTION OF OPEN-SOURCE INSTRUCTIONAL
19 MATERIALS [~~TEXTBOOKS~~].

20 SECTION 30. Sections 31.0241(b) and (c), Education Code,
21 are amended to read as follows:

22 (b) The State Board of Education shall place [~~an~~]
23 open-source instructional material [~~textbook~~] for a
24 secondary-level course submitted for adoption by an eligible
25 institution on a conforming or nonconforming list if:

26 (1) the instructional material [~~textbook~~] is written,
27 compiled, or edited primarily by faculty of the eligible

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1 institution who specialize in the subject area of the instructional
2 material [~~textbook~~];

3 (2) the eligible institution identifies each
4 contributing author;

5 (3) the appropriate department of the eligible
6 institution certifies the instructional material [~~textbook~~] for
7 accuracy; and

8 (4) the eligible institution determines that the
9 instructional material [~~textbook~~] qualifies for placement on the
10 conforming or nonconforming list based on the extent to which the
11 instructional material [~~textbook~~] covers the essential knowledge
12 and skills identified under Section 28.002 for the subject for
13 which the instructional material [~~textbook~~] is written and
14 certifies that:

15 (A) for instructional material [~~a textbook~~] for a
16 senior-level course, a student who successfully completes a course
17 based on the instructional material [~~textbook~~] will be prepared,
18 without remediation, for entry into the eligible institution's
19 freshman-level course in that subject; or

20 (B) for instructional material [~~a textbook~~] for a
21 junior-level and senior-level course, a student who successfully
22 completes the junior-level course based on the instructional
23 material [~~textbook~~] will be prepared for entry into the
24 senior-level course.

25 (c) This section does not prohibit an eligible institution
26 from submitting instructional material [~~a textbook~~] for placement
27 on a conforming or nonconforming list through any other adoption

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1 process provided by this chapter.

2 SECTION 31. Section 31.026, Education Code, is amended to
3 read as follows:

4 Sec. 31.026. CONTRACT; PRICE. (a) The State Board of
5 Education shall execute a contract [+]

6 [(1)] for the purchase [~~of each adopted textbook other~~
7 ~~than an electronic textbook;~~ and

8 [(2) ~~for the purchase~~] or licensing of each adopted
9 instructional material [~~electronic textbook~~].

10 (b) A contract must require the publisher to provide the
11 number of instructional materials [~~textbooks~~] required by school
12 districts in this state for the term of the contract, which must
13 coincide with the board's adoption cycle.

14 (c) As applicable, a contract must provide for the purchase
15 or licensing of instructional material [~~a textbook~~] at a specific
16 price, which may not exceed the lowest price paid by any other state
17 or any school or school district. The price must be fixed for the
18 term of the contract.

19 (d) [~~(e)~~] This section does not apply to [~~an~~] open-source
20 instructional material [~~textbook~~].

21 SECTION 32. Section 31.0261, Education Code, is amended to
22 read as follows:

23 Sec. 31.0261. CONTRACTS FOR PRINTING OF OPEN-SOURCE
24 INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]. The State Board of Education
25 may execute a contract for the printing of [~~an~~] open-source
26 instructional materials [~~textbook~~] listed on the conforming or
27 nonconforming list. The contract must allow a school district to

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1 requisition printed copies of [~~an~~] open-source instructional
2 materials [~~textbook~~] as provided by Section 31.103.

3 SECTION 33. Section 31.027, Education Code, is amended to
4 read as follows:

5 Sec. 31.027. INFORMATION TO SCHOOL DISTRICTS; SAMPLE
6 COPIES. (a) A publisher shall provide each school district and
7 open-enrollment charter school with information that fully
8 describes each of the publisher's submitted instructional
9 materials [~~adopted textbooks~~]. On request of a school district, a
10 publisher shall provide a sample copy in digital format of
11 submitted instructional material [~~an adopted textbook~~].

12 (b) A publisher shall provide at least two sample copies in
13 digital format of each submitted instructional material [~~adopted~~
14 ~~textbook~~] to be maintained at each regional education service
15 center.

16 (c) [~~(d)~~] This section does not apply to [~~an~~] open-source
17 instructional material [~~textbook~~].

18 SECTION 34. Section 31.028, Education Code, is amended to
19 read as follows:

20 Sec. 31.028. SPECIAL INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~].
21 (a) The commissioner [~~State Board of Education~~] may purchase
22 special instructional materials [~~textbooks~~] for the education of
23 blind and visually impaired students in public schools. In
24 addition, for a teacher who is blind or visually impaired, the
25 commissioner [~~board~~] shall provide a teacher's edition in Braille
26 or large type, as requested by the teacher, for each instructional
27 material [~~textbook~~] the teacher uses in the instruction of

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1 students. The teacher edition must be available at the same time
2 the student instructional materials [~~textbooks~~] become available.

3 (b) The publisher of [~~an~~] adopted instructional material
4 [~~textbook~~] shall provide the agency with computerized
5 instructional material [~~textbook~~] files for the production of
6 Braille instructional materials [~~textbooks~~] or other versions of
7 instructional materials [~~textbooks~~] to be used by students with
8 disabilities, on request of the commissioner [~~State Board of~~
9 ~~Education~~]. A publisher shall arrange computerized instructional
10 material [~~textbook~~] files in one of several optional formats
11 specified by the commissioner [~~State Board of Education~~].

12 (c) The commissioner [~~board~~] may also enter into agreements
13 providing for the acceptance, requisition, and distribution of
14 special instructional materials [~~textbooks~~] and instructional aids
15 pursuant to 20 U.S.C. Section 101 et seq. for use by students
16 enrolled in:

17 (1) public schools; or
18 (2) private nonprofit schools, if state funds, other
19 than for administrative costs, are not involved.

20 (d) In this section:

21 (1) "Blind or visually impaired student" includes any
22 student whose visual acuity is impaired to the extent that the
23 student is unable to read the text [~~print~~] in [~~a~~] regularly adopted
24 instructional material [~~textbook~~] used in the student's class.

25 (2) "Special instructional material [~~textbook~~]" means
26 instructional material [~~a textbook~~] in Braille, large type or any
27 other medium or any apparatus that conveys information to a student

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1 or otherwise contributes to the learning process.

2 SECTION 35. Section 31.029, Education Code, is amended to
3 read as follows:

4 Sec. 31.029. BILINGUAL INSTRUCTIONAL MATERIALS
5 [~~TEXTBOOKS~~]. (a) A school district [~~the board~~] shall purchase with
6 the district's instructional materials allotment or otherwise
7 acquire instructional materials [~~textbooks~~] for use in bilingual
8 education classes.

9 (b) The commissioner shall adopt rules regarding the
10 purchase of instructional materials under this section.

11 SECTION 36. Section 31.030, Education Code, is amended to
12 read as follows:

13 Sec. 31.030. USED INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]. The
14 State Board of Education shall adopt rules to ensure that used
15 instructional materials [~~textbooks~~] sold to school districts and
16 open-enrollment charter schools are not sample copies that contain
17 factual errors. The rules may provide for the imposition of an
18 administrative penalty in accordance with Section 31.151 against a
19 seller of used instructional materials [~~textbooks~~] who knowingly
20 violates this section.

21 SECTION 37. The heading to Section 31.035, Education Code,
22 is amended to read as follows:

23 Sec. 31.035. SUPPLEMENTAL INSTRUCTIONAL MATERIALS
24 [~~TEXTBOOKS~~].

25 SECTION 38. Sections 31.035(a), (b), (c), (d), and (f),
26 Education Code, are amended to read as follows:

27 (a) Notwithstanding any other provision of this subchapter,

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1 the State Board of Education may adopt supplemental instructional
2 materials [~~textbooks~~] that are not on the conforming or
3 nonconforming list under Section 31.023. The State Board of
4 Education may adopt [a] supplemental instructional material
5 [~~textbook~~] under this section only if the instructional material
6 [~~textbook~~]:

7 (1) contains material covering one or more primary
8 focal points or primary topics of a subject in the required
9 curriculum under Section 28.002, as determined by the State Board
10 of Education;

11 (2) is not designed to serve as the sole instructional
12 material [~~textbook~~] for a full course;

13 (3) meets applicable physical specifications adopted
14 by the State Board of Education; and

15 (4) is free from factual errors.

16 (b) The State Board of Education shall identify the
17 essential knowledge and skills identified under Section 28.002 that
18 are covered by [a] supplemental instructional material [~~textbook~~]
19 adopted by the board under this section.

20 (c) Supplemental instructional material [~~A supplemental~~
21 ~~textbook~~] is subject to the review and adoption cycle provisions,
22 including the midcycle review and adoption cycle provisions, of
23 this subchapter.

24 (d) A school district or open-enrollment charter school may
25 requisition [a] supplemental instructional material [~~textbook~~]
26 adopted under this section only if the district or school, [~~+~~

27 [~~(1) uses textbook credits received under Section~~

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1 ~~31.1011 to purchase the supplemental textbook; or~~
2 ~~(2)~~ instead of requisitioning instructional
3 material [~~a textbook~~] on the conforming list under Section 31.023
4 for a course in the foundation curriculum under Section 28.002,
5 requisitions the supplemental instructional material [~~textbook~~]
6 along with other supplemental instructional materials [~~textbooks~~]
7 or instructional materials [~~textbooks~~] on the nonconforming list
8 under Section 31.023 that in combination cover each element of the
9 essential knowledge and skills for the course for which the
10 district or school is requisitioning the supplemental
11 instructional materials [~~textbooks~~].

12 (f) A school district or open-enrollment charter school
13 that requisitions supplemental instructional materials [~~textbooks~~]
14 ~~under subsection (d)(2)~~ shall certify to the agency that the
15 supplemental instructional materials [~~textbooks~~], in combination
16 with any other instructional materials [~~textbooks~~] or supplemental
17 instructional materials [~~textbooks~~] used by the district or school,
18 cover the essential knowledge and skills identified under Section
19 28.002 by the State Board of Education for the subject and grade
20 level for which the district or school is requisitioning the
21 supplemental instructional materials [~~textbooks~~].

22 SECTION 39. The heading to Subchapter B-1, Chapter 31,
23 Education Code, is amended to read as follows:

24 SUBCHAPTER B-1. STATE-DEVELOPED OPEN-SOURCE INSTRUCTIONAL
25 MATERIALS [~~TEXTBOOKS~~]

26 SECTION 40. Section 31.071, Education Code, is amended to
27 read as follows:

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1 Sec. 31.071. PURCHASE AUTHORITY. (a) The commissioner may
2 purchase state-developed open-source instructional materials
3 [~~textbooks~~] in accordance with this subchapter.

4 (b) The commissioner:

5 (1) shall purchase any state-developed open-source
6 instructional materials [~~textbooks~~] through a competitive process;
7 and

8 (2) may purchase more than one state-developed
9 open-source instructional material [~~textbook~~] for a subject or
10 grade level.

11 (c) State-developed [~~A state developed~~] open-source
12 instructional material [~~textbook~~] must be irrevocably owned by or
13 licensed to the state for use in the applicable subject or grade
14 level. The state must have unlimited authority to modify, delete,
15 combine, or add content to the instructional material [~~textbook~~]
16 after purchase.

17 (d) The commissioner may issue a request for proposals for
18 [~~a~~] state-developed open-source instructional material [~~textbook~~]:

19 (1) in accordance with the instructional material
20 [~~textbook~~] review and adoption cycle under Section 31.022; or

21 (2) at any other time the commissioner determines that
22 a need exists for additional instructional material [~~textbook~~]
23 options.

24 (e) The costs of administering this subchapter and
25 purchasing state-developed open-source instructional materials
26 [~~textbooks~~] shall be paid from the state instructional materials
27 [~~textbook~~] fund, as determined by the commissioner and subject to

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1 Section 31.021.

2 SECTION 41. Sections 31.072(a) and (b), Education Code, are
3 amended to read as follows:

4 (a) State-developed [A ~~state-developed~~] open-source
5 instructional material [~~textbook~~] must:

6 (1) be evaluated by teachers or other experts, as
7 determined by the commissioner, before purchase; and

8 (2) meet the requirements for inclusion on a
9 conforming or nonconforming instructional material [~~textbook~~] list
10 under Section 31.023.

11 (b) Following a curriculum revision by the State Board of
12 Education, the commissioner shall require the revision of [a]
13 state-developed open-source instructional material [~~textbook~~]
14 relating to that curriculum. The commissioner may, at any time,
15 require an additional revision of [a] state-developed open-source
16 instructional material [~~textbook~~] or contract for ongoing
17 revisions of state-developed instructional material [~~a textbook~~]
18 for a period not to exceed the period under Section 31.022 for which
19 instructional material [~~a textbook~~] for that subject and grade
20 level may be adopted. The commissioner shall use a competitive
21 process to request proposals to revise [a] state-developed
22 open-source instructional material [~~textbook~~] under this
23 subsection.

24 SECTION 42. The heading to Section 31.073, Education Code,
25 is amended to read as follows:

26 Sec. 31.073. SELECTION BY SCHOOL DISTRICT [~~COST~~].

27 SECTION 43. Sections 31.073(c) and (d), Education Code, are

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1 amended to read as follows:

2 (c) Notwithstanding Section 31.022, a school district or
3 open-enrollment charter school may adopt [a] state-developed
4 open-source instructional material [~~textbook~~] at any time,
5 regardless of the instructional material [~~textbook~~] review and
6 adoption cycle under that section.

7 (d) A school district or open-enrollment charter school may
8 not be charged for selection of [a] state-developed open-source
9 instructional material [~~textbook~~] in addition to instructional
10 material [~~a textbook~~] adopted under Subchapter B.

11 SECTION 44. Section 31.074, Education Code, is amended to
12 read as follows:

13 Sec. 31.074. DISTRIBUTION. (a) The commissioner shall
14 provide for the distribution of state-developed open-source
15 instructional materials [~~textbooks~~] in a manner consistent with
16 distribution of instructional materials [~~textbooks~~] adopted under
17 Subchapter B.

18 (b) The commissioner may use a competitive process to
19 contract for printing or other reproduction of [a] state-developed
20 open-source instructional material [~~textbook~~] on behalf of a school
21 district or open-enrollment charter school. The commissioner may
22 not require a school district or open-enrollment charter school to
23 contract with a state-approved provider for the printing or
24 reproduction of [a] state-developed open-source instructional
25 material [~~textbook~~].

26 SECTION 45. Section 31.075, Education Code, is amended to
27 read as follows:

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1 Sec. 31.075. OWNERSHIP; LICENSING. (a) State-developed [A
2 ~~state-developed~~] open-source instructional material [~~textbook~~] is
3 the property of the state.

4 (b) The commissioner shall provide a license to each public
5 school in the state, including a school district, an
6 open-enrollment charter school, and a state or local agency
7 educating students in any grade from prekindergarten through high
8 school, to use and reproduce [a] state-developed open-source
9 instructional material [~~textbook~~].

10 (c) The commissioner may provide a license to use [a]
11 state-developed open-source instructional material [~~textbook~~] to
12 an entity not listed in Subsection (b). In determining the cost of
13 a license under this subsection, the commissioner shall seek, to
14 the extent feasible, to recover the costs of developing, revising,
15 and distributing state-developed open-source instructional
16 materials [~~textbooks~~].

17 SECTION 46. Section 31.076(b), Education Code, is amended
18 to read as follows:

19 (b) A decision by the commissioner regarding the purchase,
20 revision, cost, or distribution of [a] state-developed open-source
21 instructional material [~~textbook~~] is final and may not be appealed.

22 SECTION 47. Section 31.077, Education Code, is amended to
23 read as follows:

24 Sec. 31.077. ADOPTION SCHEDULE. The commissioner shall
25 develop a schedule for the adoption of state-developed open-source
26 instructional materials [~~textbooks~~] under this subchapter. In
27 developing the adoption schedule under this section, the

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1 commissioner shall consider:

2 (1) the availability of funds;

3 (2) the existing instructional material [~~textbook~~]

4 adoption cycles under Subchapter B; and

5 (3) the availability of instructional materials

6 [~~textbooks~~] for development or purchase by the state.

7 SECTION 48. The heading to Section 31.101, Education Code,
8 is amended to read as follows:

9 Sec. 31.101. SELECTION AND PURCHASE OF INSTRUCTIONAL
10 MATERIALS [~~TEXTBOOKS~~] BY SCHOOL DISTRICTS.

11 SECTION 49. Section 31.101, Education Code, is amended by
12 amending Subsections (a), (d), and (e) and adding Subsection (f) to
13 read as follows:

14 (a) Each year, during a period established by the State
15 Board of Education, the board of trustees of each school district
16 and the governing body of each open-enrollment charter school
17 shall:

18 (1) for a subject in the foundation curriculum, notify
19 the State Board of Education of the instructional materials
20 [~~textbooks~~] selected by the board of trustees or governing body for
21 the following school year from among the instructional materials
22 [~~textbooks~~] on the appropriate conforming or nonconforming list,
23 including the list adopted under Section 31.0231; or

24 (2) for a subject in the enrichment curriculum:

25 (A) notify the State Board of Education of each
26 instructional material [~~textbook~~] selected by the board of trustees
27 or governing body for the following school year from among the

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1 instructional materials [~~textbooks~~] on the appropriate conforming
2 or nonconforming list, including the list adopted under Section
3 31.0231; or

4 (B) notify the State Board of Education that the
5 board of trustees or governing body has selected instructional
6 material [~~a textbook~~] that is not on the conforming or
7 nonconforming list.

8 (d) For instructional material [~~a textbook~~] that is not on
9 the conforming or nonconforming list, a school district or
10 open-enrollment charter school must use the instructional material
11 [~~textbook~~] for the period of the review and adoption cycle the State
12 Board of Education has established for the subject and grade level
13 for which the instructional material [~~textbook~~] is used.

14 (e) A school district or open-enrollment charter school
15 that selects [~~a~~] subscription-based [~~electronic textbook or~~]
16 instructional material on the conforming list under Section 31.023
17 or electronic instructional material on the list adopted by the
18 commissioner under Section 31.0231 may cancel the subscription and
19 subscribe to [~~a~~] new [~~electronic textbook or~~] instructional
20 material on the conforming list under Section 31.023 or electronic
21 instructional material on the list adopted by the commissioner
22 under Section 31.0231 before the end of the state contract period
23 under Section 31.026 if:

24 (1) the district or school has used the [~~electronic~~
25 ~~textbook or~~] instructional material for at least one school year;
26 and

27 (2) the agency approves the change based on a written

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1 request to the agency by the district or school that specifies the
2 reasons for changing the [electronic textbook or] instructional
3 material used by the district or school.

4 (f) The commissioner shall maintain an online requisition
5 system for school districts to requisition instructional materials
6 to be purchased with the district's instructional materials
7 allotment.

8 SECTION 50. Section 31.102, Education Code, is amended to
9 read as follows:

10 Sec. 31.102. TITLE AND CUSTODY. (a) Except as provided by
11 Subsection (d), printed instructional material [~~Each textbook~~]
12 purchased as provided by this chapter is the property of this state.
13 Any electronic instructional material or technological equipment
14 purchased with a school district's instructional materials
15 allotment is the property of the school district.

16 (b) Subsection (a) applies to [~~an~~] electronic instructional
17 material [~~textbook~~] only to the extent of any applicable licensing
18 agreement.

19 (c) The board of trustees of a school district or the
20 governing body of an open-enrollment charter school is the legal
21 custodian of printed instructional materials [~~textbooks~~] purchased
22 as provided by this chapter for the district or school. The board
23 of trustees shall distribute printed instructional materials
24 [~~textbooks~~] to students in the manner that the board or governing
25 body determines is most effective and economical.

26 (d) Printed instructional material purchased with a school
27 district's instructional materials allotment becomes the property

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1 of the district on the date the printed instructional material is
2 discontinued for use in the public schools by the State Board of
3 Education or the commissioner.

4 SECTION 51. The heading to Section 31.103, Education Code,
5 is amended to read as follows:

6 Sec. 31.103. INSTRUCTIONAL MATERIAL [TEXTBOOK]
7 REQUISITIONS.

8 SECTION 52. Sections 31.103(b), (c), and (d), Education
9 Code, are amended to read as follows:

10 (b) [A requisition for textbooks for the following school
11 year shall be based on the maximum attendance reports under
12 Subsection (a), plus an additional 10 percent, except as otherwise
13 provided.] A school district or open-enrollment charter school
14 shall make a requisition for instructional material using the
15 online requisition program maintained by [a textbook on the
16 conforming or nonconforming list through] the commissioner [to the
17 state depository designated by the publisher or as provided by
18 State Board of Education rule, as applicable,] not later than June 1
19 of each year. The [designated state depository or, if the publisher
20 or manufacturer does not have a designated textbook depository in
21 this state under Section 31.151(a)(6)(B), the] publisher or
22 manufacturer shall fill a requisition approved by the agency [at
23 any other time in the case of an emergency]. [As made necessary by
24 available funds, the commissioner shall reduce the additional
25 percentage of attendance for which a district or school may
26 requisition textbooks. The commissioner may, on application of a
27 district or school that is experiencing high enrollment growth,

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1 ~~increase the additional percentage of attendance for which the~~
2 ~~district or school may requisition textbooks.]~~

3 (c) In making a requisition under this section, a school
4 district or open-enrollment charter school may requisition
5 instructional materials [~~textbooks~~] on the conforming or
6 nonconforming list for grades above the grade level in which a
7 student is enrolled[, ~~except that the total quantity of textbooks~~
8 ~~requisitioned under this section may not exceed the limit~~
9 ~~prescribed by Subsection (b)~~].

10 (d) A school district or open-enrollment charter school
11 that selects [~~an~~] open-source instructional material [~~textbook~~]
12 shall requisition a sufficient number of printed copies for use by
13 students unable to access the instructional material [~~textbook~~]
14 electronically unless the district or school provides to each
15 student:

16 (1) electronic access to the instructional material
17 [~~textbook~~] at no cost to the student; or
18 (2) printed copies of the portion of the instructional
19 material [~~textbook~~] that will be used in the course.

20 SECTION 53. Section 31.1031, Education Code, is amended to
21 read as follows:

22 Sec. 31.1031. SHORTAGE OF REQUISITIONED PRINTED
23 INSTRUCTIONAL MATERIALS [~~TEXTBOOKS~~]. If a school district or
24 open-enrollment charter school does not have a sufficient number of
25 copies of printed instructional materials [~~a textbook~~] used by the
26 district or school for use during the following school year, and a
27 sufficient number of additional copies will not be available from

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1 the [~~depository or the~~] publisher within the time specified by
2 Section 31.151(a)(8), the district or school is entitled to[+
3 [~~(1) be reimbursed from the state textbook fund, at a~~
4 ~~rate and in the manner provided by State Board of Education rule,~~
5 ~~for the purchase of a sufficient number of used adopted textbooks,~~
6 ~~or~~

7 [~~(2)~~] return currently used printed instructional
8 materials [~~textbooks~~] to the commissioner in exchange for
9 sufficient copies, if available, of other printed instructional
10 materials [~~textbooks~~] on the conforming or nonconforming list to be
11 used during the following school year.

12 SECTION 54. Section 31.104, Education Code, is amended to
13 read as follows:

14 Sec. 31.104. DISTRIBUTION AND HANDLING. (a) The board of
15 trustees of a school district or the governing body of an
16 open-enrollment charter school may delegate to an employee the
17 authority to requisition, distribute, and manage the inventory of
18 instructional materials [~~textbooks~~] in a manner consistent with
19 this chapter and rules adopted under this chapter.

20 (b) A school district or open-enrollment charter school may
21 order replacements for instructional materials [~~textbooks~~] that
22 have been lost or damaged directly from[+
23 [~~(1) the textbook depository;~~
24 [~~(2) the [~~textbook~~] publisher of the instructional~~
25 ~~materials~~ or [~~manufacturer if the textbook publisher or~~
26 ~~manufacturer does not have a designated textbook depository in this~~
27 ~~state under Section 31.151(a)(6)(B); or~~

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1 [43] any source for a printed copy of [an]
2 open-source instructional material [~~textbook~~].

3 (c) Each instructional material [~~textbook~~] must state that
4 the instructional material [~~textbook~~] is the property of or is
5 licensed to this state or the school district, as appropriate. Each
6 instructional material [~~textbook~~], other than [an] electronic
7 instructional material [~~textbook~~] or a printed copy of [an]
8 open-source instructional material [~~textbook~~], must be covered by
9 the student under the direction of the teacher. Except as provided
10 by Subsection (g), a student must return all instructional
11 materials [~~textbooks~~] to the teacher at the end of the school year
12 or when the student withdraws from school.

13 (d) Each student, or the student's parent or guardian, is
14 responsible for all instructional materials [~~each textbook,~~
15 ~~including an electronic textbook,~~] and [~~all~~] technological
16 equipment not returned in an acceptable condition by the
17 student. A student who fails to return in an acceptable condition
18 all instructional materials [~~textbooks, including electronic~~
19 ~~textbooks,~~] and technological equipment forfeits the right to free
20 instructional materials [~~textbooks, including electronic~~
21 ~~textbooks,~~] and technological equipment until all instructional
22 materials [~~each textbook, including an electronic textbook,~~] and
23 [~~all~~] technological equipment previously issued but not returned in
24 an acceptable condition are [~~is~~] paid for by the student, parent, or
25 guardian. As provided by policy of the board of trustees or
26 governing body, a school district or open-enrollment charter school
27 may waive or reduce the payment requirement if the student is from a

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1 low-income family. The district or school shall allow the student
2 to use instructional materials [~~textbooks, including electronic~~
3 ~~textbooks,~~] and technological equipment at school during each
4 school day. If instructional materials [~~a textbook, including an~~
5 ~~electronic textbook,~~] or technological equipment is not returned in
6 an acceptable condition or paid for, the district or school may
7 withhold the student's records. A district or school may not,
8 under this subsection, prevent a student from graduating,
9 participating in a graduation ceremony, or receiving a
10 diploma. The commissioner by rule shall adopt criteria for
11 determining whether instructional materials [~~a textbook, including~~
12 ~~an electronic textbook,~~] and technological equipment are returned
13 in an acceptable condition.

14 (e) The board of trustees of a school district may not
15 require an employee of the district who acts in good faith to pay
16 for instructional materials [~~a textbook, electronic textbook,~~] or
17 technological equipment that is damaged, stolen, misplaced, or not
18 returned. A school district employee may not waive this provision
19 by contract or any other means, except that a district may enter
20 into a written agreement with a school employee whereby the
21 employee assumes financial responsibility for electronic
22 instructional material [~~textbook~~] or technological equipment usage
23 off school property or outside of a school-sponsored event in
24 consideration for the ability of the school employee to use the
25 electronic instructional material [~~textbook~~] or technological
26 equipment for personal business. Such a written agreement shall be
27 separate from the employee's contract of employment, if applicable,

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1 and shall clearly inform the employee of the amount of the financial
2 responsibility and advise the employee to consider obtaining
3 appropriate insurance. An employee may not be required to agree to
4 such an agreement as a condition of employment.

5 (g) At the end of the school year for which [an] open-source
6 instructional material [~~textbook~~] that a school district or
7 open-enrollment charter school does not intend to use for another
8 student is distributed, the printed copy of the open-source
9 instructional material [~~textbook~~] becomes the property of the
10 student to whom it is distributed.

11 (h) This section does not apply to an electronic copy of
12 [an] open-source instructional material [~~textbook~~].

13 SECTION 55. Section 31.105, Education Code, is amended to
14 read as follows:

15 Sec. 31.105. SALE OR DISPOSAL OF INSTRUCTIONAL MATERIALS
16 AND TECHNOLOGICAL EQUIPMENT [~~TEXTBOOKS~~]. (a) The board of
17 trustees of a school district or governing body of an
18 open-enrollment charter school may sell printed instructional
19 materials on the date the instructional material is discontinued
20 for use in the public schools by the State Board of Education or the
21 commissioner. The board of trustees or governing body may also sell
22 electronic instructional materials and technological equipment
23 owned by the district or school. Any funds received by a district
24 or school from a sale authorized by this subsection must be used to
25 purchase instructional materials and technological equipment
26 allowed under Section 31.0211 [~~textbooks, other than electronic~~
27 ~~textbooks, to a student or another school at the state contract~~

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1 ~~price. The district shall send money from the sale of textbooks to~~
2 ~~the commissioner as required by the commissioner. The commissioner~~
3 ~~shall deposit the money in the state textbook fund].~~

4 **(b) The board of trustees of a school district shall**
5 **determine how the district will dispose of discontinued printed**
6 **instructional materials, electronic instructional materials, and**
7 **technological equipment.**

8 SECTION 56. Section 31.106, Education Code, is amended to
9 read as follows:

10 Sec. 31.106. USE OF LOCAL FUNDS. In addition to any
11 **instructional material** [~~textbook~~] selected under this chapter, a
12 school district or open-enrollment charter school may use local
13 funds to purchase any **instructional materials** [~~textbooks~~].

14 SECTION 57. Sections 31.151(a) and (d), Education Code, are
15 amended to read as follows:

16 (a) A publisher or manufacturer of **instructional materials**
17 [~~textbooks~~]:

18 (1) shall furnish any **instructional material**
19 [~~textbook~~] the publisher or manufacturer offers in this state[~~T~~] at
20 a price that does not exceed the lowest price at which the publisher
21 offers that **instructional material** [~~textbook~~] for adoption or sale
22 to any state, public school, or school district in the United
23 States;

24 (2) shall automatically reduce the price of
25 **instructional material** [~~a textbook~~] sold for use in a school
district or open-enrollment charter school to the extent that the
27 price is reduced elsewhere in the United States;

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1 (3) shall provide any instructional material
2 [textbook] or ancillary item free of charge in this state to the
3 same extent that the publisher or manufacturer provides the
4 instructional material [textbook] or ancillary item free of charge
5 to any state, public school, or school district in the United
6 States;

7 (4) shall guarantee that each copy of instructional
8 material [a textbook] sold in this state is at least equal in
9 quality to copies of that instructional material [textbook] sold
10 elsewhere in the United States and is free from factual error;

11 (5) may not become associated or connected with,
12 directly or indirectly, any combination in restraint of trade in
13 instructional materials [textbooks] or enter into any
14 understanding or combination to control prices or restrict
15 competition in the sale of instructional materials [textbooks] for
16 use in this state;

17 (6) shall[~~+~~

18 [(A) ~~maintain a depository in this state or~~
19 ~~arrange with a depository in this state to receive and fill orders~~
20 ~~for textbooks, other than open-source textbooks, on-line~~
21 ~~textbooks, or on-line textbook components, consistent with State~~
22 ~~Board of Education rules; or~~

23 [(B)] deliver instructional materials
24 [textbooks] to a school district or open-enrollment charter school
25 without a delivery charge to the school district, open-enrollment
26 charter school, or state [~~, if:~~

27 [(i) ~~the publisher or manufacturer does not~~

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1 ~~maintain or arrange with a depository in this state under Paragraph~~
2 ~~(A) and the publisher's or manufacturer's textbooks and related~~
3 ~~products are warehoused or otherwise stored less than 300 miles~~
4 ~~from a border of this state; or~~

5 ~~(iii) the textbooks are open source~~
6 ~~textbooks, on-line textbooks, or on-line textbook components];~~

7 (7) shall, at the time an order for instructional
8 materials [~~textbooks~~] is acknowledged, provide to school districts
9 or open-enrollment charter schools an accurate shipping date for
10 instructional materials [~~textbooks~~] that are back-ordered;

11 (8) shall guarantee delivery of instructional
12 materials [~~textbooks~~] at least 10 business days before the opening
13 day of school of the year for which the instructional materials
14 [~~textbooks~~] are ordered if the instructional materials [~~textbooks~~]
15 are ordered by a date specified in the sales contract; and

16 (9) shall submit to the State Board of Education an
17 affidavit certifying any instructional material [~~textbook~~] the
18 publisher or manufacturer offers in this state to be free of factual
19 errors at the time the publisher executes the contract required by
20 Section 31.026.

21 (d) A penalty collected under this section shall be
22 deposited to the credit of the state instructional materials
23 [~~textbook~~] fund.

24 SECTION 58. The heading to Section 31.152, Education Code,
25 is amended to read as follows:

26 Sec. 31.152. ACCEPTING REBATE ON [~~TEXTBOOKS, ELECTRONIC~~
27 ~~TEXTBOOKS,~~] INSTRUCTIONAL MATERIALS [T] OR TECHNOLOGICAL EQUIPMENT.

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1 SECTION 59. Sections 31.152(a), (b), and (d), Education
2 Code, are amended to read as follows:

3 (a) A school trustee, administrator, or teacher commits an
4 offense if that person receives any commission or rebate on any
5 ~~[textbooks, electronic textbooks,]~~ instructional materials~~[,]~~ or
6 technological equipment used in the schools with which the person
7 is associated as a trustee, administrator, or teacher.

8 (b) A school trustee, administrator, or teacher commits an
9 offense if the person accepts a gift, favor, or service that:

10 (1) is given to the person or the person's school;
11 (2) might reasonably tend to influence a trustee,
12 administrator, or teacher in the selection of ~~[a textbook,~~
13 ~~electronic textbook,]~~ instructional material~~[,]~~ or technological
14 equipment; and

15 (3) could not be lawfully purchased with state
16 instructional materials funds ~~[from the state textbook fund].~~

17 (d) In this section, "gift, favor, or service" does not
18 include:

19 (1) staff development, in-service, or teacher
20 training; ~~[or]~~

21 (2) ancillary ~~[instructional]~~ materials, such as maps
22 or worksheets, that convey information to the student or otherwise
23 contribute to the learning process; or

24 (3) the provision of food or beverages with a value
25 that does not exceed \$50.

26 SECTION 60. The heading to Section 31.153, Education Code,
27 is amended to read as follows:

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1 Sec. 31.153. VIOLATION OF FREE INSTRUCTIONAL MATERIALS
2 [TEXTBOOK] LAW.

3 SECTION 61. Section 31.153(a), Education Code, is amended
4 to read as follows:

5 (a) A person commits an offense if the person knowingly
6 violates any law providing for the purchase or distribution of free
7 instructional materials [~~textbooks~~] for the public schools.

8 SECTION 62. Section 39.303(b), Education Code, is amended
9 to read as follows:

10 (b) For a student who failed to perform satisfactorily as
11 determined under either performance standard under Section 39.0241
12 on an assessment instrument administered under Section 39.023(a),
13 (c), or (l), the school district shall include in the notice
14 specific information relating to access to [~~online~~] educational
15 resources at the appropriate assessment instrument content level,
16 including [~~educational resources described by Section 32.252(b)(2)~~
17 ~~and~~] assessment instrument questions and answers released under
18 Section 39.023(e).

19 SECTION 63. Section 41.124(c), Education Code, is amended
20 to read as follows:

21 (c) A school district that receives tuition for a student
22 from a school district with a wealth per student that exceeds the
23 equalized wealth level may not claim attendance for that student
24 for purposes of Chapters 42 and 46 and the instructional materials
25 [~~technology~~] allotment under Section 31.0211 [~~31.021(b)(2)~~].

26 SECTION 64. Section 43.001(b), Education Code, as amended
27 by Chapters 201 (H.B. 3459) and 328 (S.B. 206), Acts of the 78th

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1 Legislature, Regular Session, 2003, is reenacted to read as
2 follows:

3 (b) The available school fund, which shall be apportioned
4 annually to each county according to its scholastic population,
5 consists of:

6 (1) the distributions to the fund from the permanent
7 school fund as provided by Section 5(a), Article VII, Texas
8 Constitution;

9 (2) one-fourth of all revenue derived from all state
10 occupation taxes, exclusive of delinquencies and cost of
11 collection;

12 (3) one-fourth of revenue derived from state gasoline
13 and special fuels excise taxes as provided by law; and

14 (4) all other appropriations to the available school
15 fund made by the legislature for public school purposes.

16 SECTION 65. Section 43.001, Education Code, is amended by
17 adding Subsections (d) and (e) to read as follows:

18 (d) Each year the State Board of Education shall set aside
19 an amount equal to 50 percent of the annual distribution for that
20 year from the permanent school fund to the available school fund as
21 provided by Section 5(a), Article VII, Texas Constitution, to be
22 placed, subject to the General Appropriations Act, in the state
23 instructional materials fund established under Section 31.021.

24 (e) In calculating the amounts to be set aside as provided
25 by Subsection (d) for the state fiscal biennium beginning September
26 1, 2011, the State Board of Education shall consider only the
27 amounts of the annual distribution of the permanent school fund for

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1 that biennium. The board shall not consider amounts distributed
2 for the state fiscal biennium beginning September 1, 2009,
3 regardless of the date on which those amounts were approved for
4 distribution. This subsection expires September 1, 2014.

5 SECTION 66. The following provisions of the Education Code
6 are repealed:

7 (1) Section 31.002(3);
8 (2) Sections 31.021(b), (e), and (f);
9 (3) Section 31.022(d);
10 (4) Section 31.0222;
11 (5) Section 31.025;
12 (6) Sections 31.035(e) and (g);
13 (7) Section 31.072(c);
14 (8) Sections 31.073(a) and (b);
15 (9) Sections 31.101(b), (b-1), (c), and (c-1);
16 (10) Section 31.1011;
17 (11) Sections 31.103(a) and (e);
18 (12) Subchapter E, Chapter 31;
19 (13) Section 32.005;
20 (14) Sections 32.251 through 32.257; and
21 (15) Sections 32.259 through 32.263.

22 SECTION 67. This Act takes effect September 1, 2011.

By: Harless

H.B. No. 112

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a voter to present proof of identification.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Effective September 1, 2011, Subchapter A,
5 Chapter 15, Election Code, is amended by adding Section 15.005 to
6 read as follows:

7 Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

8 (a) The voter registrar of each county shall provide notice of the
9 identification requirements for voting prescribed by Chapter 63 and
10 a detailed description of those requirements with each voter
11 registration certificate issued under Section 13.142 or renewal
12 registration certificate issued under Section 14.001.

13 (b) The secretary of state shall prescribe the wording of
14 the notice to be included on the certificate under this section.

15 SECTION 2. Effective September 1, 2011, Subchapter A,
16 Chapter 31, Election Code, is amended by adding Section 31.012 to
17 read as follows:

18 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The
19 secretary of state and the voter registrar of each county that
20 maintains a website shall provide notice of the identification
21 requirements for voting prescribed by Chapter 63 on each entity's
22 respective website. The secretary of state shall prescribe the
23 wording of the notice to be included on the websites.

24 (b) The secretary of state, in cooperation with appropriate

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1 nonprofit organizations as determined by the secretary of state and
2 with each party whose nominee for governor in the most recent
3 gubernatorial general election received 20 percent or more of the
4 total number of votes received by all candidates for governor in the
5 election, shall establish a statewide effort to educate voters
6 regarding the identification requirements for voting prescribed by
7 Chapter 63. The secretary of state may use any available funds,
8 including federal funds, for the purposes of this section.

9 SECTION 3. Effective September 1, 2011, Section 32.111,
10 Election Code, is amended by adding Subsection (c) to read as
11 follows:

12 (c) The training standards adopted under Subsection (a)
13 must include provisions on the acceptance and handling of the
14 identification presented by a voter to an election officer under
15 Section 63.001.

16 SECTION 4. Effective September 1, 2011, Section 32.114(a),
17 Election Code, is amended to read as follows:

18 (a) The county clerk shall provide one or more sessions of
19 training using the standardized training program and materials
20 developed and provided by the secretary of state under Section
21 32.111 for the election judges and clerks appointed to serve in
22 elections ordered by the governor or a county authority. Each
23 election judge shall complete the training program. Each election
24 clerk shall complete the part of the training program relating to
25 the acceptance and handling of the identification presented by a
26 voter to an election officer under Section 63.001.

27 SECTION 5. Chapter 62, Election Code, is amended by adding

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1 Section 62.016 to read as follows:

2 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
3 POLLING PLACES. The presiding judge shall post in a prominent place
4 on the outside of each polling location a list of the acceptable
5 forms of photographic and nonphotographic identification. The list
6 must be printed using a font that is at least 24-point.

7 SECTION 6. Section 63.001, Election Code, is amended by
8 amending Subsections (b), (c), (d), and (f) and adding Subsection
9 (g) to read as follows:

10 (b) On offering to vote, a voter must present to an election
11 officer at the polling place either:

12 (1) one form of identification listed in Section
13 63.0101(a); or

14 (2) two different forms of identification listed in
15 Section 63.0101(b) [the voter's voter registration certificate to
16 an election officer at the polling place].

17 (c) On presentation of the documentation required by
18 Subsection (b) [a registration certificate], an election officer
19 shall determine whether the voter's name on the documentation
20 [~~registration certificate~~] is on the list of registered voters for
21 the precinct.

22 (d) If the voter's name is on the precinct list of
23 registered voters and the voter's identity can be verified from the
24 documentation presented under Subsection (b), the voter shall be
25 accepted for voting.

26 (f) After determining whether to accept a voter, an election
27 officer shall return the voter's documentation [~~registration~~

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1 ~~certificate~~] to the voter.

2 (g) If the requirements for identification prescribed by
3 Subsection (b) are not met, regardless of whether the voter's name
4 is on the precinct list of registered voters, the voter may be
5 accepted for provisional voting only under Section 63.011. An
6 election officer shall inform a voter who is not accepted for voting
7 under this section of the voter's right to cast a provisional ballot
8 under Section 63.011.

9 SECTION 7. Section 63.0011(a), Election Code, is amended to
10 read as follows:

11 (a) Before a voter may be accepted for voting, an election
12 officer shall ask the voter if the voter's residence address on the
13 precinct list of registered voters is current and whether the voter
14 has changed residence within the county. If the voter's address is
15 omitted from the precinct list under Section 18.005(c), the officer
16 shall ask the voter if the voter's residence as listed on
17 identification presented by the voter under Section 63.001(b) [~~the~~
18 ~~voter's voter registration certificate~~] is current and whether the
19 voter has changed residence within the county.

20 SECTION 8. Section 63.006(a), Election Code, is amended to
21 read as follows:

22 (a) A voter who, when offering to vote, presents a voter
23 registration certificate indicating that the voter is currently
24 registered in the precinct in which the voter is offering to vote,
25 but whose name is not on the precinct list of registered voters,
26 shall be accepted for voting if the voter's identity can be verified
27 from the documentation presented under Section 63.001(b).

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1 SECTION 9. Section 63.007(a), Election Code, is amended to
2 read as follows:

3 (a) A voter who, when offering to vote, presents
4 documentation required under Section 63.001(b) that indicates [a
5 ~~voter registration certificate indicating that]~~ the voter is
6 currently registered in a different precinct from the one in which
7 the voter is offering to vote, and whose name is not on the precinct
8 list of registered voters, shall be accepted for voting if the
9 voter's identity can be verified from the documentation and the
10 voter executes an affidavit stating that the voter:

11 (1) is a resident of the precinct in which the voter is
12 offering to vote or is otherwise entitled by law to vote in that
13 precinct;

14 (2) was a resident of the precinct in which the voter
15 is offering to vote at the time that information on the voter's
16 residence address was last provided to the voter registrar;

17 (3) did not deliberately provide false information to
18 secure registration in a precinct in which the voter does not
19 reside; and

20 (4) is voting only once in the election.

21 SECTION 10. Section 63.0101, Election Code, is amended to
22 read as follows:

23 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

24 (a) The following documentation is an acceptable form [~~as proof~~] of
25 photo identification under this chapter:

26 (1) a driver's license or personal identification card
27 issued to the person by the Department of Public Safety that has not

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1 expired or that expired no earlier than two years before the date of
2 presentation [or a similar document issued to the person by an
3 agency of another state, regardless of whether the license or card
4 has expired];

5 (2) a United States military identification card that
6 contains the person's photograph [form of identification
7 containing the person's photograph that establishes the person's
8 identity];

9 (3) a [birth certificate or other document confirming
10 birth that is admissible in a court of law and establishes the
11 person's identity;

12 [~~(4)~~] United States citizenship certificate [~~papers~~]
13 issued to the person that contains the person's photograph;

14 (4) [~~(5)~~] a United States passport issued to the
15 person;

16 (5) a license to carry a concealed handgun issued to
17 the person by the Department of Public Safety; or

18 (6) [~~official mail addressed to the person by name~~
19 from a governmental entity;

20 [~~(7)~~] a valid identification card that contains the
21 person's photograph and is issued by:

22 (A) an agency or institution of the federal
23 government; or

24 (B) an agency, institution, or political
25 subdivision of this state.

26 (b) The following documentation is acceptable as proof of
27 identification under this chapter:

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1 (1) the voter's voter registration certificate or a
2 copy of a current utility bill, bank statement, government check,
3 paycheck, or other government document that shows the name and
4 address of the voter;

5 (2) official mail addressed to the person by name from
6 a governmental entity;

7 (3) a certified copy of a birth certificate or other
8 document confirming birth that is admissible in a court of law and
9 establishes the person's identity;

10 (4) United States citizenship papers issued to the
11 person;

12 (5) an original or certified copy of the person's
13 marriage license or divorce decree;

14 (6) court records of the person's adoption, name
15 change, or sex change;

16 (7) an identification card issued to the person by a
17 governmental entity of this state or the United States for the
18 purpose of obtaining public benefits, including veteran's
19 benefits, Medicaid, or Medicare;

20 (8) a temporary driving permit issued to the person by
21 the Department of Public Safety;

22 (9) a pilot's license issued to the person by the
23 Federal Aviation Administration or another authorized agency of the
24 United States;

25 (10) a library card that contains the person's name
26 issued to the person by a public library located in this state; or

27 (11) a hunting or fishing license issued to a person by

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1 the Parks and Wildlife Department [or
2 ~~[+8) any other form of identification prescribed by~~
3 ~~the secretary of state].~~

4 SECTION 11. Sections 63.011(a) and (b), Election Code, are
5 amended to read as follows:

6 (a) A person to whom Section 63.001(g) ~~[63.008(b)] or~~
7 ~~63.009(a)]~~ applies may cast a provisional ballot if the person
8 executes an affidavit stating that the person:

9 (1) is a registered voter in the precinct in which the
10 person seeks to vote; and

11 (2) is eligible to vote in the election.

12 (b) A form for an affidavit required by this section must
13 ~~[shall]~~ be printed on an envelope in which the provisional ballot
14 voted by the person may be placed and must include a space for
15 entering the identification number of the provisional ballot voted
16 by the person and a space for an election officer to indicate
17 whether the person presented proof of identification as required by
18 Section 63.001(b). The affidavit form may include space for
19 disclosure of any necessary information to enable the person to
20 register to vote under Chapter 13. The secretary of state shall
21 prescribe the form of the affidavit under this section.

22 SECTION 12. Section 65.054(b), Election Code, is amended to
23 read as follows:

24 (b) A provisional ballot may be accepted only if:

25 (1) the board determines that, from the information in
26 the affidavit or contained in public records, the person is
27 eligible to vote in the election and has not previously voted in

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1 that election; and

2 (2) the voter presents proof of identification as
3 required by Section 63.001(b):

4 (A) at the time the ballot was cast; or

5 (B) in the period prescribed under Section
6 65.0541.

7 SECTION 13. Subchapter B, Chapter 65, Election Code, is
8 amended by adding Section 65.0541 to read as follows:

9 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
10 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
11 voting under Section 63.011 because the voter does not present
12 proof of identification as required by Section 63.001(b) may, not
13 later than the sixth business day after the date of the election,
14 present proof of identification to the voter registrar for
15 examination by the early voting ballot board.

16 (b) The secretary of state shall prescribe procedures as
17 necessary to implement this section.

18 SECTION 14. Section 521.422, Transportation Code, is
19 amended by amending Subsection (a) and adding Subsection (d) to
20 read as follows:

21 (a) Except as provided by Subsection (d), the [The] fee for
22 a personal identification certificate is:

23 (1) \$15 for a person under 60 years of age;

24 (2) \$5 for a person 60 years of age or older; and

25 (3) \$20 for a person subject to the registration
26 requirements under Chapter 62, Code of Criminal Procedure.

27 (d) The department may not collect a fee for a personal

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1 identification certificate issued to a person who states that the
2 person is obtaining the personal identification certificate for the
3 sole purpose of satisfying Section 63.001(b)(1), Election Code,
4 and:

5 (1) who is a registered voter in this state and
6 presents a valid voter registration certificate; or
7 (2) who is eligible for registration under Section
8 13.001, Election Code, and submits a registration application to
9 the department.

10 SECTION 15. Sections 63.008 and 63.009, Election Code, are
11 repealed.

12 SECTION 16. Effective September 1, 2011:

13 (1) as soon as practicable, the secretary of state
14 shall adopt the training standards and develop the training
15 materials required to implement the change in law made by this Act
16 to Section 32.111, Election Code; and

17 (2) as soon as practicable, the county clerk of each
18 county shall provide a session of training under Section 32.114,
19 Election Code, as amended by this Act, using the standards adopted
20 and materials developed to implement the change in law made by this
21 Act to Section 32.111, Election Code.

22 SECTION 17. Except as otherwise provided by this Act, this
23 Act takes effect January 1, 2012.

By: Perry

H.B. No. 186

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring a voter to present proof of identification;
3 creating a penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 15, Election Code, is
6 amended by adding Section 15.005 to read as follows:

7 Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a)
8 The voter registrar of each county shall provide notice of the
9 identification requirements for voting prescribed by Chapter 63 and
10 a detailed description of those requirements with each voter
11 registration certificate issued under Section 13.142 or renewal
12 registration certificate issued under Section 14.001.

13 (b) The secretary of state shall prescribe the wording of
14 the notice to be included on the certificate under this section.

15 SECTION 2. Effective January 1, 2012, Subchapter A, Chapter
16 31, Election Code, is amended by adding Section 31.012 to read as
17 follows:

18 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) Not
19 earlier than 60 days or later than 30 days before each primary and
20 general election, the secretary of state shall mail a notice
21 describing in detail the identification requirements for voting
22 prescribed by Chapter 63 to each voter who, in the last election:

23 (1) voted provisionally under Section 63.001(g); and
24 (2) did not submit proof of identification under

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1 Section 65.0541.

2 (b) The secretary of state by rule may create innovative
3 programs to educate the population of this state about the
4 requirements for voting prescribed by Chapter 63.

5 (c) The secretary of state and the voter registrar of each
6 county that maintains a website shall provide notice of the
7 identification requirements for voting prescribed by Chapter 63 on
8 each entity's respective website. The secretary of state shall
9 prescribe the wording of the notice to be included on the websites.

10 SECTION 3. Section 32.111, Election Code, is amended by
11 adding Subsection (c) to read as follows:

12 (c) The training standards adopted under Subsection (a)
13 must include provisions on the acceptance and handling of the
14 identification presented by a voter to an election officer under
15 Section 63.001.

16 SECTION 4. Section 32.114(a), Election Code, is amended to
17 read as follows:

18 (a) The county clerk shall provide one or more sessions of
19 training using the standardized training program and materials
20 developed and provided by the secretary of state under Section
21 32.111 for the election judges and clerks appointed to serve in
22 elections ordered by the governor or a county authority. Each
23 election judge shall complete the training program. Each election
24 clerk shall complete the part of the training program relating to
25 the acceptance and handling of the identification presented by a
26 voter to an election officer under Section 63.001.

27 SECTION 5. Effective January 1, 2012, Chapter 62, Election

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1 Code, is amended by adding Section 62.016 to read as follows:

2 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
3 POLLING PLACES. The presiding judge shall post in a prominent place
4 on the outside of each polling location notice that a provisional
5 ballot will be provided to a person who executes the appropriate
6 affidavit and a list of the acceptable forms of photographic
7 identification. The notice and list must be printed:

8 (1) in English, Spanish, and any other language
9 appropriate to the precinct in which the polling place is located;
10 and

11 (2) using a font that is at least 24 point.

12 SECTION 6. Effective January 1, 2012, Section 63.001,
13 Election Code, is amended by amending Subsections (b), (c), (d),
14 and (f) and adding Subsection (g) to read as follows:

15 (b) On offering to vote, a voter must present one form of
16 identification listed in Section 63.0101 [~~the voter's voter~~
17 ~~registration certificate~~] to an election officer at the polling
18 place.

19 (c) On presentation of the documentation required by
20 Subsection (b) [~~a registration certificate~~], an election officer
21 shall determine whether the voter's name on the documentation
22 [~~registration certificate~~] is on the list of registered voters for
23 the precinct.

24 (d) If the voter's name is on the precinct list of
25 registered voters and the voter's identity can be verified from the
26 documentation presented under Subsection (b), the voter shall be
27 accepted for voting.

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1 (f) After determining whether to accept a voter, an election
2 officer shall return the voter's documentation [~~registration~~
3 ~~certificate~~] to the voter.

4 (g) A voter shall be accepted for provisional voting only
5 under Section 63.011 if the requirement for identification
6 prescribed by Subsection (b) is not met.

7 SECTION 7. Effective January 1, 2012, Section 63.007,
8 Election Code, is amended to read as follows:

9 Sec. 63.007. VOTER WITH REQUIRED DOCUMENTATION [~~INCORRECT~~
10 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to
11 vote, presents the documentation required under Section 63.001 [~~a~~
12 ~~voter registration certificate indicating that the voter is~~
13 ~~currently registered in a different precinct from the one in which~~
14 ~~the voter is offering to vote~~], and whose name is not on the
15 precinct list of registered voters, shall be accepted for voting if
16 the voter executes an affidavit stating that the voter:

17 (1) is a resident of the precinct in which the voter is
18 offering to vote or is otherwise entitled by law to vote in that
19 precinct;

20 (2) was a resident of the precinct in which the voter
21 is offering to vote at the time that information on the voter's
22 residence address was last provided to the voter registrar;

23 (3) did not deliberately provide false information to
24 secure registration in a precinct in which the voter does not
25 reside; and

26 (4) is voting only once in the election.

27 (b) After the voter is accepted, an election officer shall:

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1 (1) indicate beside the voter's name on the poll list
2 that the voter was accepted under this section; and

3 (2) if the voter presents the voter's voter
4 registration certificate, enter on the registration omissions list
5 the precinct of the voter's registration as indicated by the voter's
6 registration certificate.

7 SECTION 8. Effective January 1, 2012, Section 63.0101,
8 Election Code, is amended to read as follows:

9 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.
10 The following documentation containing the person's photograph is
11 acceptable as proof of identification under this chapter:

12 (1) a driver's license or personal identification card
13 issued to the person by the Department of Public Safety or a similar
14 document issued to the person by an agency of another state that[‐
regardless of whether the license or card] has not expired or that
16 expired no earlier than two years before the date of presentation;

17 (2) a United States military [form of] identification
18 card [containing the person's photograph that establishes the
19 person's identity];

20 (3) a valid Veteran's Identification Card [birth
21 certificate or other document confirming birth that is admissible
22 in a court of law and establishes the person's identity];

23 (4) a United States citizenship certificate [papers]
24 issued to the person;

25 (5) a United States passport issued to the person;

26 (6) a license to carry a concealed handgun issued to
27 the person by the Department of Public Safety [official mail

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1 ~~addressed to the person by name from a governmental entity~~; or
2 (7) a valid identification card that contains the
3 person's photograph and is issued to the person by:
4 (A) an agency or institution of the federal
5 government; or
6 (B) an agency, institution, or political
7 subdivision of this state [copy of a current utility bill, bank
8 statement, government check, paycheck, or other government
9 document that shows the name and address of the voter; or
10 [~~(8) any other form of identification prescribed by~~
11 ~~the secretary of state~~].

12 SECTION 9. Effective January 1, 2012, Sections 63.011(a)
13 and (b), Election Code, are amended to read as follows:

14 (a) A person to whom Section 63.001(g) [~~63.008(b)~~ or
15 ~~63.009(a)~~] applies may cast a provisional ballot if the person
16 executes an affidavit stating that the person:

17 (1) is a registered voter in the precinct in which the
18 person seeks to vote; and
19 (2) is eligible to vote in the election.

20 (b) A form for an affidavit required by this section must
21 [~~shall~~] be printed on an envelope in which the provisional ballot
22 voted by the person may be placed and must include a space for
23 entering the identification number of the provisional ballot voted
24 by the person and a space for an election officer to indicate
25 whether the person presented proof of identification as required by
26 Section 63.001(b). The affidavit form may include space for
27 disclosure of any necessary information to enable the person to

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1 register to vote under Chapter 13. The secretary of state shall
2 prescribe the form of the affidavit under this section.

3 SECTION 10. Effective January 1, 2012, Section 65.054(b),
4 Election Code, is amended to read as follows:

5 (b) A provisional ballot may be accepted only if:

6 (1) the board determines that, from the information in
7 the affidavit or contained in public records, the person is
8 eligible to vote in the election and has not previously voted in
9 that election; and

10 (2) the voter presents proof of identification as
11 required by Section 63.001(b):

12 (A) at the time the ballot was cast; or

13 (B) in the period prescribed under Section
14 65.0541.

15 SECTION 11. Effective January 1, 2012, Subchapter B,
16 Chapter 65, Election Code, is amended by adding Section 65.0541 to
17 read as follows:

18 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
19 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
20 voting under Section 63.011 because the voter does not present
21 proof of identification as required by Section 63.001(b) may, not
22 later than the sixth business day after the date of the election,
23 present proof of identification to the voter registrar for
24 examination by the early voting ballot board.

25 (b) The secretary of state shall prescribe procedures as
26 necessary to implement this section.

27 SECTION 12. Effective January 1, 2012, Section 521.422,

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1 Transportation Code, is amended by amending Subsection (a) and
2 adding Subsection (d) to read as follows:

3 (a) Except as provided by Subsection (d), the [The] fee for
4 a personal identification certificate is:

5 (1) \$15 for a person under 60 years of age;

6 (2) \$5 for a person 60 years of age or older; and

7 (3) \$20 for a person subject to the registration
8 requirements under Chapter 62, Code of Criminal Procedure.

9 (d) The department may not collect a fee for a personal
10 identification certificate issued to a person who:

11 (1) executes an affidavit stating that the person:

12 (A) is obtaining the personal identification
13 certificate for the sole purpose of satisfying Section 63.001(b),
14 Election Code;

15 (B) is financially unable to pay the required
16 fee; and

17 (C) does not have another form of identification
18 acceptable under Section 63.0101, Election Code; and

19 (2) is:

20 (A) a registered voter in this state and presents
21 a valid voter registration certificate; or

22 (B) eligible for registration under Section
23 13.001, Election Code, and submits a registration application to
24 the department.

25 SECTION 13. Effective January 1, 2012, Sections 521.453(a)
26 and (h), Transportation Code, are amended to read as follows:

27 (a) Except as provided by Subsection (f), a person [under

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1 ~~the age of 21 years~~] commits an offense if the person possesses [~~with the intent to represent that the person is 21 years of age or older,~~] a document that is deceptively similar to a driver's license or a personal identification certificate unless the document displays the statement "NOT A GOVERNMENT DOCUMENT" diagonally printed clearly and indelibly on both the front and back of the document in solid red capital letters at least one-fourth inch in height and the person:

9 (1) is under the age of 21 years and possesses the
10 document with the intent to represent that the person is 21 years of
11 age or older; or
12 (2) possesses the document with the intent to use the
13 document as a form of identification for the purposes of Section
14 63.001(b), Election Code.

15 (h) In addition to the punishment provided by Subsection
16 (d), a court, if the court is located in a municipality or county
17 that has established a community service program, may order a
18 person [~~younger than 21 years of age~~] who commits an offense under
19 this section to perform eight hours of community service unless the
20 person is shown to have previously committed an offense under this
21 section, in which case the court may order the person to perform 12
22 hours of community service.

23 SECTION 14. Effective January 1, 2012, Sections 63.006,
24 63.008, and 63.009, Election Code, are repealed.

25 SECTION 15. As soon as practicable after September 1, 2011:
26 (1) the secretary of state shall adopt the training
27 standards and develop the training materials required to implement

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1 the change in law made by this Act to Section 32.111, Election Code;
2 and

3 (2) the county clerk of each county shall provide a
4 session of training under Section 32.114, Election Code, as amended
5 by this Act, using the standards adopted and materials developed to
6 implement the change in law made by this Act to Section 32.111,
7 Election Code.

8 SECTION 16. The secretary of state, attorney general, or
9 other state officer shall submit this Act to the United States
10 District Court for the District of Columbia under Section 5 of the
11 Voting Rights Act of 1965 (42 U.S.C. Section 1973c) to determine
12 whether this Act has the purpose or effect of denying or abridging
13 the right to vote on account of race or color or in contravention of
14 the guarantees set forth in 42 U.S.C. Section 1973b(f)(2).

15 SECTION 17. Except as otherwise provided by this Act, this
16 Act takes effect September 1, 2011.